

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: June 19, 2023
TIME: 4:30 p.m.
LOCATION: Council Chambers, Enderby City Hall

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

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

*The access codes for this meeting are:
Meeting ID: 829 8592 0805
Passcode: 787543*

If you would like to attend this meeting by means of electronic facilities and 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. LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

2. APPROVAL OF AGENDA

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of June 5, 2023

Page 3

4. DEVELOPMENT MATTERS AND RELATED BYLAWS

4.1 Development Variance Permit #0061-23-DVP-END

Page 15

Legal: LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST
OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
PLAN 1094 EXCEPT PLAN M13332

LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST
OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
PLAN 1094

LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST
OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
PLAN 1094

LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST
OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT
PLAN 1094 EXCEPT PLAN M8147

Address: 902 Regent Avenue, Enderby BC
906 Regent Avenue, Enderby BC
117 Cliffview Drive, Enderby BC
Applicant: James Kay
Owner(s): Teri Robson and Andrew Kivari

4.1.1 Public Input – Development Variance Permit #0061-23-DVP-END

4.1.2 Permit Issuance – Development Variance Permit #0061-23-DVP-END

4.2 Road Closure Request – Unconstructed Portion of Regent Avenue Between High Street and Cliffview Drive Page 28
Memo prepared by Planner dated June 15, 2023

5. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

6. BYLAWS

6.1 Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023 (First Reading) Page 37
Memo prepared by Chief Administrative Officer dated June 13, 2023

7. REPORTS

7.1 Mayor and Council Reports

7.2 Area F Director Report

7.3 Chief Administrative Officer Report

7.3.1 Council Inquiries

7.4 Annual Municipal Report 2022

7.4.1 Meeting on Annual Municipal Report 2022
Submissions and Questions from the Public

7.4.2 Consideration and Acceptance of the Annual Municipal Report 2022. Page 55
Memo prepared by Chief Financial Officer dated June 9, 2023

7.5 RDNO Building Permit Report – May 2023 Page 91

8. NEW BUSINESS

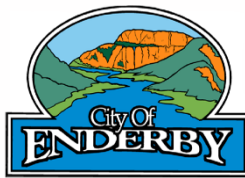
8.1 Mobile Vendor Request – Philly Dogs (Phil Adkins and Isabelle Castella) Page 92
Memo prepared by Planner dated June 15, 2023

9. PUBLIC QUESTION PERIOD

10. CLOSED MEETING RESOLUTION

Closed to the public, pursuant to Section 90 (1) (k) and (e) of the Community Charter

11. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, June 5, 2023 at 4:30 p.m. in Council Chambers.

Present: Mayor Huck Galbraith
Councillor Tundra Baird
Councillor Roxanne Davyduke
Councillor David Ramey
Councillor Brian Schreiner
Councillor Shawn Shishido
Councillor Sarah Yerhoff

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

Other: Press and Public

LAND ACKNOWLEDGEMENT

We respectfully acknowledge that we are on the traditional and unceded territory of the Secwepemc.

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the June 5, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of May 15, 2023

Councillor Shishido requested that the minutes from the May 15, 2023 meeting be amended to state that it was Councillor Shishido who suggested that the City purchase copies of the History of Enderby book, not the Museum.

Moved by Councillor Ramey, seconded by Councillor Shishido
“THAT the May 15, 2023 Council Meeting minutes be adopted as amended.”

CARRIED

DEVELOPMENT MATTERS AND RELATED BYLAWS

Mayor Galbraith declared a conflict of interest by reason of the developer being his employer and left the meeting (4:33 p.m.).

Councillor Davyduke assumed the chair.

Development Variance Permits #0059-23-DVP-END and #0060-23-DVP-END

The Planner gave an overview of the application and read the following written submissions.

Don Chapman, 2106 Heitman Street, Enderby BC

- Opposed to the applications.
- Concerns that the 6-metre setback is too close to his property boundary.
- Concerns about drainage.
- Concerns that there is no building scheme.
- Concerns about parking.
- Concerns about a lack of green space.

Pauline C Chapman, 2106 Heitman Street, Enderby BC

- Opposed to the applications.
- Concerns that there is no building scheme.
- Concerns about drainage.
- Concerns about parking.
- Concerns about traffic on Heitman Street during construction.
- Concerns about green space and future maintenance of trees and shrubs in the new development.
- Concerns about privacy and loss of views.
- Concerns that the houses built will not be affordable.

Wayne and Heather Clancy, 2010 Heitman Street, Enderby BC

- Opposed to the applications.
- Concerns that the new housing will not be affordable.
- Concerns that there is no building scheme for the new development.
- Concerns about drainage and the grade difference between the new development and surrounding lots.
- Concerns about increased traffic and insufficient room for parking.
- Concerns that the homes will be rented instead of lived in by the owners.

Lynn and Noel Enge, 2102 Heitman Street, Enderby BC

- Opposed to the applications.
- Concerns about drainage and the grade difference between the new development and surrounding lots.
- Concerns that the homes may be built on top of drainage rocks.
- Concerns that the drainage rocks do not span the length of the new lot.
- Concerns about reduced privacy.
- Concerns that there will not be enough parking within the new development.
- Concerns that there is no building scheme for the new development.

Lianne and Darwin Dwornik, 409 Bass Avenue, Enderby BC

- Opposed to the applications.
- Suggested that the developer should have rezoned this lot to R.1 if they wanted the R.1 setbacks.
- Concerns that the reduced front yard setbacks will not leave adequate room for parking.
- Concerns that these variances don't fit within the Official Community Plan.

Philip and Angela Gallant, 501 Bass Avenue, Enderby BC

- Opposed to the applications.
- Concerns about the size of the houses that will be built.
- Concerns that suites will be allowed in the homes.
- Concerns that the reduced setbacks will create problems with parking and noise.
- Concerns about views being impacted.

Jacob and Pia Ypma, 415 Bass Avenue, Enderby BC

- Opposed to the applications.
- Concerns about parking and lack of green space.
- Concerns about the aesthetic of the new development.

Lori Schneider, 2205 McGowan Street, Enderby BC

- Opposed to the applications.
- Concerns about the small size of the new lots.
- Concerns that the new homes being built will not be affordable.
- Concerns about the lack of restrictions on the homes being built on the new lots.

Chris Gilburg, 2205 McGowan Street, Enderby BC

- Opposed to the application.
- Concerns about the small size of the new lots.
- Concerns about changed setbacks will allow homes to exceed the maximum lot coverage.
- Concerns about inconsistency with surrounding neighbourhood.
- Concerns that the subdivision does not align with the Official Community Plan and North Okanagan Regional Growth Strategy.

Denise and Wade Chapman, 201 Bass Avenue, Enderby BC

- Opposed to the applications.
- Concerns that this development does not fit with the character of the City.

Tamara and Tonny Miedema, #2-401 Bass Avenue, Enderby BC

- Opposed to the applications.
- Concerns about there being insufficient parking for the new development.
- Suggested that there be a fence installed around the perimeter of the new development.

Chairperson Davyduke asked if anyone attending the meeting electronically would like to make representation.

Tonny Miedema, #2-401 Bass Avenue, Enderby BC

- Concerns about drainage.

Chairperson Davyduke asked if anyone in the gallery would like to make representation.

Stephen Zeron, 2201 McGowan Street, Enderby BC

- Noted that his property backs onto lot 3 of the new development, asked why lot 3 is not included in the variance request.
- Concerns about parking.
- Concerns about increased traffic in the neighbourhood.
- Concerns about a lack of green space.
- Concerns that the homes in the development will not be affordable.

Lynn Enge, 2102 Heitman Street, Enderby BC

- Concerns about drainage and privacy.

Colin Fothergill, 2105 Heitman Street, Enderby BC

- Concerns about the side setbacks and the proximity of houses to one another if there is a fire.

Vallerie Zeron, 2201 McGowan Street, Enderby BC

- Concerns about transparency from the developer.
- Concerns about homes not being affordable.

Chairperson Davyduke invited the applicant to make representation.

Ron Mandair, Applicant

- Thanked the public for their input.
- Noted that there is a building scheme for the lots in the new development.
- Asked if the Planner would speak to concerns about drainage.

The Planner responded that the developer has submitted a drainage plan to good engineering standards.

The Chief Administrative Officer added that the accepted drainage plan has exceeded typical requirements regarding drainage by installing oversized storm pipes in the internal roads for detention purposes and constructing additional storage up McGowan Street to provide additional protection in the event of a major rain event coinciding with overland flooding.

Mr. Mandair continued:

- Noted that they have come back with a new application requesting a variance to only the front yard setbacks in response to privacy concerns from residents of the perimeter lots of the development.
- Noted that builders will have to demonstrate that each lot meets parking requirements.
- Stated that it is important to him that the new development is consistent with the surrounding neighbourhood.

Chairperson Davyduke invited Council to ask questions of the Applicant.

Councillor Ramey asked why Lot 3 is not included in this application.

Mr. Mandair responded that the lot is not owned by him, and that the owner of this lot did not request to be included in this application.

Councillor Baird asked for clarification about the boulevard space in front of each lot of the new development.

The Planner responded that there will be a boulevard in front of each lot that ranges in width from 2.5 metres to 4 metres, which essentially acts as a driveway extension over and above the front yard setback.

Councillor Baird asked about the building scheme for the development.

Mr. Mandair responded that he will send the building scheme documents to staff to be shared with Council.

Councillor Baird asked the Planner to speak on allowing suites.

The Planner responded that attached suites are allowed in all single-family dwellings.

Councillor Ramey asked about the changes to the requested variances from his previous application.

Mr. Mandair responded that they are working to address concerns expressed by the surrounding neighbourhood. Explained that the decreased setbacks will allow builders more options for situating a house on the lots and doesn't necessarily mean the houses will be larger.

Council discussed the applications. Councillor Shishido visited a subdivision in Armstrong that has similar lot sizes and setbacks and was impressed with the aesthetics of the neighbourhood. Council agreed that the subdivision will move forward regardless of the outcome of these requests, and that the developer is working to address the concerns of the surrounding property owners. Council also clarified that the maximum lot coverage remains 50%. Due to the lot coverage limitation, even with setbacks reduced in accordance with the proposal, the size of the houses will be constrained by the lot size, regardless of setbacks.

Moved by Councillor Baird, seconded by Councillor Shishido

“THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as Lots 1, 2, 4-9, 28-34 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT PLAN EPP125705 and located at 2209, 2213, 2217, 2221, 2225, 2229, 2237, 2241 Heitman Street, Enderby BC and 2008, 2012, 2016, 2020, 2024, 2028, 2032 Viewmount Court, Enderby BC, to permit a variance to Section 603.10.b.i of the City of Enderby Zoning Bylaw No.

1550, 2014 by reducing the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet).

AND THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as LOTS 10-27 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT PLAN EPP125705 and located at 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240 Heitman Street, Enderby BC, and 2000, 2004, 2007, 2011, 2015, 2019, 2023, 2027, 2031 Viewmount Court, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- 603.10.b.i by reducing the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet); and
- 603.10.d.i by reducing the minimum rear yard setback area for single family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet).”

CARRIED

Mayor Galbraith returned to the meeting (6:10 p.m.).

Councillor Baird declared a conflict of interest due to an interest in the next development matter and left the meeting (6:11 p.m.).

Development Variance Permit #0058-23-DVP-END

The Planner gave an overview of the application.

There were no written submissions.

There were no members of the public that wished to make representation.

Mayor Galbraith invited the applicant to make representation.

Eric Borhaven, Applicant

- Explained that he spoke with the Planner before purchasing this property and claimed that he was not advised at that time of the requirement to construct adjacent roads to centreline or provide cash-in-lieu.
- Stated that the project to subdivide and develop this lot is not feasible if he is required to pay the \$141,704.33 cash-in-lieu value as recommended by Staff.
- Explained that the \$53,534.50 cash-in-lieu value proposed in the variance includes approximately \$23,000 towards the replacement of the waterline on Cliffview Drive, as there will be three new connections to water, and approximately \$30,000 towards future upgrades of the road.

Earl Shipmaker, Owner

- Agreed that the costs to build to centreline were unanticipated. Explained that his understanding of the Subdivision Servicing Bylaw was that this requirement was only enacted when the road was unconstructed or at the end of its useful life.
- Noted that this development will increase density and therefore, the tax base.

Council discussed the Subdivision Servicing Bylaw.

Chief Administrative Officer explained that staff agree that this is a somewhat unique situation, especially with the development taking place on the corner of two collector roads. This was taken into consideration. However, there must be a rational and reasonable basis for determining the value, in fairness to this and other applicants and to ensure that it is possible to administer the bylaw fairly in the future. In the proposed formula, as calculated by the developers' engineer, arrived at a figure of \$141,704.33. This was based on factors such as road condition, service demands, asset management policy, and infrastructure decisions over prior decades about how new development should contribute to infrastructure renewal.

The Planner explained that any type of development triggers the requirement to construct adjacent roads to centre-line, and that the development variance permit is the mechanism to adjust or waive this requirement. Noted that this requirement has been waived in the past when there is a development that does not add any additional significant impact to the adjacent roads, such as a one-lot subdivision or a boundary lot adjustment where no new lots are created. Explained that in this case, creating 4 additional lots does have an impact on infrastructure.

Council discussed the miscommunication between staff and the developer.

The Planner explained that this requirement was communicated to the developer at the time of their initial conversation, and noted that this requirement may be varied through the Development Variance Permit process at the discretion of Council. It was also included in the preliminary layout review letter.

Brad Case, Owner

- Noted that the roads being in good condition contributed to the property value.
- Explained that the community was upset when this property was rezoned to R.3 because they did not want to see more density. They are planning to develop single-family homes that will be more desirable to the surrounding neighbourhood.

Council discussed the possibility of choosing a number for cash-in-lieu other than the two options presented.

Chief Administrative Officer explained that Council could choose a different amount, but to be mindful that the number chosen should be reflective of a formula that can be applied to future developments. The City has an obligation to administer its bylaws fairly and, if there is a departure from a past practice, it must be based on rational reasons. Further explained that many years of decision making by Council has been based on the idea that future development would fund surrounding infrastructure.

Council discussed the applicant's representation that this development would not be able to go ahead without the variance and the miscommunication.

Moved by Councillor Ramey, seconded by Councillor Shishido

"THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1702 and located at 186 Salmon Arm Drive, Enderby B.C. to permit a variance to Section 2.0 of Schedule "A" of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Cliffview Drive and Salmon Arm Drive adjacent to the proposed lots to be constructed to the centreline of the

*roads in accordance with the Collector Road standards, or to provide a cash-in-lieu payment equal to the cost of those works with the owners providing a reduced cash-in-lieu payment of **\$53,534.50**, for the proposed five-lot subdivision shown on the attached Schedule 'A'."*

CARRIED
OPPOSED Councillor Davyduke

Councillor Baird returned to the meeting (7:45 p.m.).

BYLAWS

Update to Public Notice Advertising Fees for Development Applications – Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1771, 2023

Moved by Councillor Baird, seconded by Councillor Shishido
"THAT Council adopts the City of Enderby Fees for Development Applications – Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1771, 2023"

CARRIED

REPORTS

Mayor and Council Reports

Councillor Baird

Planning for Canada Day is ongoing. There are lots of sponsors for the event.

Attended the Splatsin Community Breakfast.

Reported that there is a new water bottle fill station at the library.

Asked the Chief Administrative Officer if staff can reach out to the Ministry of Transportation about increasing the duration of the yellow traffic light going north/south at the intersection of George Street and Mill Avenue.

Chief Administrative Officer will follow up with the Ministry of Transportation.

Councillor Ramey

Attended an Okanagan Regional Library Board meeting where adding more open hours for the Enderby Library was discussed. This will be discussed further at the Okanagan Regional Library's upcoming budget deliberations.

The Enderby and District Arts Council reported that their 10th Anniversary event was a great success and they were happy to see so many members of Council in attendance. Also noted that they would like to host a future Business After 5 event.

The Enderby and District Arts Council will continue to host coffee house events on the third Friday of each month. Music by the River will be going ahead on Fathers Day from 7-9 pm.

Councillor Yerhoff

Attended the Pet Valu Walk which had a great turn out.

Attended an in-person inter-agency meeting on May 31.

There is a StrongerBC Skills Grant with a \$3500 lifetime maximum for anyone interested in short term skills training.

Looking forward to the Splatsin Teaching Centre golf tournament fundraiser.

The Harvest Hut has opened and has been very successful so far.

Councillor Davyduke

Will be meeting with our new representative from Community Futures this week.

The Harvest Hut is now open. Members will be in contact with stakeholders of the Rail Trail to discuss the possibility of a walk-through garden.

Councillor Shishido

Nothing to report.

Mayor Galbraith

Had a meeting with staff from Interior Health and toured the Enderby Health Centre facility.

Attended the Business After 5 event.

Reported that the Town Hall event was successful, with approximately 39 people in attendance. Good discussions were had on attracting physicians, as well as lab services.

A resident approached him about considering hosting a roller-skating event at the arena.

Chief Administrative Officer

The pool has been extremely busy.

Geotechnical drilling for the reservoir #1 rebuild is complete. Once the report is received, will move on to the next stage of design.

Long line painting in the City is complete. Painting of crosswalks, parking stalls, and other hand work is expected to be completed this week.

Both water breaks on George Street have now been fully repaired.

Tuey Park and the boat launch are expected to be open either this week or next. Water levels are being monitored and need to recede a little bit more.

Public Works was operating a compressor today near the water intake in the river. The compressor removes sand that builds up around the water intake. People occasionally notice and ask questions, when they see the air bubble to the surface.

An order has been placed for replacement and new heart defibrillators. A formal announcement will be made once they have been installed.

Has a meeting scheduled with corporate officers in Vernon this week for discussion on the regional accessibility committee.

The City's curbside garbage collection contractor business has been sold to Spa-Hills. The name and staff will remain the same and no significant operational changes are expected.

The Planner, Chief Financial Officer, and Chief Administrative Officer met with the new Emergency Planning Coordinator for Splatsin last week. Discussed how to build upon prior cooperation to create a unified response to future emergencies that affect both communities.

The City of Enderby has now joined BCOneCall.

Council Inquiries

Councillor Baird asked if there is any update on the Rail Trail.

Chief Administrative Officer responded that he spoke with an RDNO representative, who confirmed that the tender has closed and bids are being reviewed.

Mayor Galbraith asked if there is any update on the new pool.

Chief Administrative Officer responded that there will be an Enderby & District Services Commission meeting in the next few weeks to discuss cost and next steps.

Councillor Baird asked if there will be a fire ban starting this Thursday at noon.

Chief Administrative Officer noted that as a matter of policy, when the Kamloops Fire Centre enacts a ban, the City does as well, unless varied by the Fire Chief due to local conditions or circumstances.

Councillor Shishido asked if weed whacking in the ditch along George Street is the responsibility of adjacent businesses.

Chief Administrative Officer responded that the ditch is included in the garden and grounds contract, and that it has been flagged for the contractor.

NEW BUSINESS

Proposed Code of Conduct

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT Council considers the proposed City of Enderby Elected Official Code of Conduct in light of the Principles for Codes of Conduct Regulation and other relevant matters;

AND THAT Council adopts the City of Enderby Elected Official Code of Conduct.”

CARRIED

UBCM 2023 Provincial Meeting Requests and Attendance

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council identifies

- *Ministry of Health – Pilot project to create and retain physicians by investing in local people*
- *Ministry of Education – Local school capacity in light of population growth*
- *Ministry of Transportation and Infrastructure – Highway 97A alignment through Enderby*
- *BC Housing – Funding for renewal and enhancement of existing affordable housing in Enderby*

as the Provincial ministries, agencies, commissions, or corporations it wishes to meet at the 2023 Union of British Columbia Municipalities (UBCM) convention.”

CARRIED

Community Futures Q1 Update

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council receives and files the Community Futures Q1 Update.”

CARRIED

Temporary Road Closure Application – Canada Day Parade 2023

Moved by Councillor Shishido, seconded by Councillor Baird

“THAT Council receives and files the City of Enderby Event Coordinator’s Temporary Road Closure application (Canada Day Parade 2023) for information.”

CARRIED

NOTICES OF MOTION

Notice of Motion (Councillor Ramey): Prohibition on the Use of Illegal Drugs in Public Spaces

Moved by Councillor Ramey, seconded by Councillor Baird

“THAT Council directs staff to prepare a bylaw to prohibit the possession of illegal drugs in public spaces in Enderby.”

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public.

CLOSED MEETING RESOLUTION

Moved by Councillor Davyduke, seconded by Councillor Baird

“THAT, pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (k) of the Community Charter.”

CARRIED

ADJOURNMENT

Moved by Councillor Shishido, seconded by Councillor Baird
“THAT the regular meeting of June 5, 2023 adjourn at 8:28 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION



File No: 0061-23-DVP-END

June 14, 2023

APPLICANT: James Kay

OWNER(S): Teri Robson and Andrew Kivari

LEGAL DESCRIPTION(S): LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332

LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 1094

LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 1094

LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M8147

PID #: 011-838-612
011-838-621
011-838-647
011-838-663

LOCATION(S): 902 Regent Avenue, Enderby (Lot 1)
906 Regent Avenue, Enderby (Lot 2)
117 Cliffview Drive, Enderby (Lot 3 and 4)

PROPERTY SIZE(S): 902 Regent Avenue – 353.1 m² (3,801 square feet)
906 Regent Avenue – 613.2 m² (6,600 square feet)
117 Cliffview Drive – 953.1 m² (10,259 square feet)

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

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

PROPOSAL: Boundary lot adjustment

PROPOSED

VARIANCES:

- a) Vary Zoning Bylaw to reduce the minimum rear yard setback for an existing single-family dwelling;
- b) Vary Subdivision Servicing and Development Bylaw by, i) not requiring construction to centreline for the portions of High Street, Regent Avenue and Cliffview Drive adjacent to proposed lots, ii) not requiring provision of ornamental street lighting, and iii) not requiring the provision of underground wiring for power, telephone and cablevision.

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 117 Cliffview Drive, Enderby BC, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC to permit a variance to Section 602.10.d by reducing the minimum rear yard setback area for the single-family dwelling on proposed Lot A, from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A';

AND THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 117 Cliffview Drive, Enderby BC, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC, to permit a variances to the following Sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule "A" by not requiring High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';
- Section 2.0 of Schedule "A" by not requiring Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';
- Section 6.0 of Schedule "A" by not requiring the provision of ornamental street lighting, as part of the proposed boundary lot adjustment shown on Schedule 'B'; and
- Section 7.0 by not requiring the provision of underground wiring for power, telephone and cablevision, as part of the proposed boundary lot adjustment shown on Schedule 'B'.

BACKGROUND:

This report relates to a Development Variance Permit application for the properties located at 902 Regent Avenue, 906 Regent Avenue, and 117 Cliffview Drive, Enderby BC. The applicant is proposing a boundary lot adjustment which would see the four subject parcels consolidated into two parcels, as shown on the attached Schedule 'B'. As part of the boundary lot adjustment process, the applicant is seeking a variance to the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum rear yard setback for an existing single-family dwelling on proposed Lot A from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A'. Furthermore, the applicant is seeking to vary the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by, i) not requiring the portions of High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, ii) not requiring the portion of Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, iii) not requiring the provision of ornamental street lighting, and iv) not requiring the provision of underground wiring for power, telephone and cablevision.

Site Context

The properties range in area from 353.1 m² to 953.1 m². The properties slope significantly from west to east. The western lot (Lot 4) fronts both Cliffview Drive and the unconstructed portion of Regent Avenue, with access to the lot being gained via a gravelled driveway off of the unconstructed portion of Regent Avenue. The middle lots (Lots 2 and 3) do not have frontage off of a constructed road, only the unconstructed portion of Regent Avenue. The eastern lot fronts both High Street and the unconstructed portion of Regent Avenue; there is currently no driveway access to this lot.

A single-family dwelling, built in 1910, straddles the internal lot line between Lots 2 and 3. Two accessory structures are located on Lot 4. There are no improvements on Lot 1.

The subject property and surrounding properties are zoned Residential Single-Family (R.1/R.1-A) and are designated in the Official Community Plan (OCP) as Residential Low Density, as shown on the following figure:



Figure 1: Zoning Map

R.1/R.1-A - Residential Single-Family

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 a boundary lot adjustment which would see the four subject parcels consolidated into two parcels, with proposed Lot A being 1,130 m² (0.28 acres) in area and proposed Lot B being 722.4 m² (0.18 acres) in area, as shown on the attached Schedule 'B'. The proposed boundary lot adjustment would remedy the issue of the existing single-family dwelling straddling the internal lot line between Lots 2 and 3, such that the dwelling would become entirely located on proposed Lot A.

The applicant has also submitted a Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application for proposed Lot B. This application proposes to rezone the portion of the properties shown as Lot B on the attached Schedule 'B', from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Low Intensity (R.3-A) zone and to change the Official Community Plan designation of the property from Residential Low Density to Residential Medium Density; the applicant is also proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for three-family dwellings on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet). The purpose of this application is to enable the applicant to construct a three-family dwelling on the proposed Lot B, once the boundary lot adjustment is complete. In addition, the applicant has also submitted a road closure request for the unconstructed portion of Regent Avenue adjacent to proposed Lot B, for the purposes of consolidating this area with proposed Lot B.

It should be noted that the Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment application to enable the construction of a three-family dwelling, and the associated road closure request, are entirely separate from this Development Variance Permit application; the approval of the variances associated with this application would enable the proposed boundary lot adjustment, but would have no bearing on Council's ability to either approve or deny the Joint OCP Amendment, Rezoning and Zoning Text Amendment application or road closure request. Given this, the merits of the Joint OCP Amendment, Rezoning and Zoning Text Amendment application, or associated road closure request, should not inform Council's consideration of the variance requests associated with this Development Variance Permit application. If the requested variances are approved, it would not result in any expressed or implied commitment to the approval of the Joint OCP Amendment, Rezoning and Zoning Text Amendment application or the road closure request; if approved, the variances would simply permit the boundary lot adjustment to be completed and the applicant would have the ability to develop proposed Lot B consistent with its current Residential Single Family (R.1-A) zoning designation. Moreover, Council should be aware that a future development proposal, at either the subdivision or building permit stage, would re-trigger the works and services requirements; the proposed variances only apply to the fulfilment of the works and services required under the proposed boundary lot adjustment.

ZONING BYLAW:

The property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include accessory residential buildings, single-family dwellings, secondary suites, bed and breakfasts, civic and public service use, and restricted agricultural use. The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted items require a variance):

CRITERIA	R.1-A ZONE REQUIREMENTS	PROPOSAL
Lot Area (min.)	450 m ² (4,844 square feet)	Proposed Lot A = 1,130 m ² (12,163 square feet) Proposed Lot B = 722.4 m ² (7,776 square feet)
Lot Coverage (max.)	50%	< 50%
Lot Frontage (min.)	15.0 m (49.21 feet)	Proposed Lot A = > 15.0 m (49.21 feet) Proposed Lot B = > 15.0 m (49.21 feet)
Setbacks (min.)		
Front Yard	6.0 m (19.68 feet)	> 6.0 m (19.68 feet)
Rear Yard	6.0 m (19.68 feet)	1.2 m (3.94 feet)
Side Yard	1.2 m (3.94 feet)	> 1.2 m (3.94 feet)
Exterior Side Yard	5.0 m (16.40 feet)	> 5.0 m (16.40 feet)
Other buildings	3.0 m (9.84 feet)	> 3.0 m (9.84 feet)

SUBDIVISION SERVICING AND DEVELOPMENT BYLAW:

Section 2.0 of Schedule "A" of the Subdivision Servicing and Development Bylaw requires the dedication and construction of local roads and collector roads adjacent to properties zoned Residential Single Family (R.1-A) in accordance with Design, Materials, and Installation standards outlined in Section 2.0 of Schedule "A" of the Bylaw; Sections 6.0 and 7.3 of Schedules "A" and "B" of the Bylaw require the provision of ornamental street lighting and underground wiring for power, telephone and cablevision.

As the applicant is seeking to maintain the existing road standards for High Street, Regent Avenue and Cliffview Drive, while not providing additional ornamental street lighting or underground wiring, the applicant is requesting variances to the following Sections of the Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule "A" by not requiring High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';
- Section 2.0 of Schedule "A" by not requiring Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, as part of the proposed boundary lot adjustment shown on Schedule 'B';
- Section 6.0 of Schedule "A" by not requiring the provision of ornamental street lighting, as part of the proposed boundary lot adjustment shown on Schedule 'B'; and
- Section 7.0 by not requiring the provision of underground wiring for power, telephone and cablevision, as part of the proposed boundary lot adjustment shown on Schedule 'B'.

It should be noted that Council's potential approval of these variances is only in relation to the proposed boundary lot adjustment shown on the attached Schedule 'B', which does not propose any additional density on the site. Should the variances be approved, and the boundary lot adjustment is completed, any subsequent subdivisions involving the proposed lots, or any Building Permit applications that are

submitted which increase density beyond a single-family dwelling (which could only occur if rezoned), this would re-trigger the Subdivision Servicing and Development Bylaw requirements listed above and the applicant would need to seek additional variances if they did not want to satisfy the requirements.

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

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- Fire Chief; and
- Building Inspector.

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

Given the existence of a lease light on the Hydro pole at the intersection of High Street and Regent Avenue, and the lack of ornamental street lighting in this neighbourhood, it is reasonable to support this variance request.

Given that all utilities are overhead rather than underground in this neighbourhood, and the subject property has a relatively small frontage off of High Street and Regent Avenue, it is reasonable to support varying the requirement to install power, telephone, and cablevision underground.

It is reasonable to vary Section 2.0 of Schedule "A" with respect to centreline construction of High Street, adjacent to proposed Lot B, as this is a pedestrian corridor and is not planned to become a road suitable for vehicular traffic.

It is reasonable to vary Section 2.0 of Schedule "A" with respect to centreline construction of Regent Avenue, as the City has no intent to construct a road or path on the portion of Regent Avenue between High Street and Cliffview Drive, given the steep grades; it is foreseeable that this area will only be used for utility purposes.

It is reasonable to vary Section 2.0 of Schedule "A" with respect to centreline construction of Cliffview Drive as proposed Lot B, which is being proposed for development, will have its access off of High Street and Regent Avenue. Improvements to Cliffview Drive are not attributable to the proposed development.

PLANNING ANALYSIS:

Construction to Centreline

The City of Enderby Planner raises no objections to the applicant's request to vary Section 2.0 of Schedule "A" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring construction to centreline for High Street in accordance with the Local Road standards, or the construction to centreline for Cliffview Drive in accordance with the Collector Road standards. Although the proposed boundary lot adjustment will enable the construction of a single-family dwelling on proposed Lot B, in accordance with its current R.1-A zoning designation, the proposed boundary lot adjustment in and of itself is not creating any additional lots nor facilitating an increase in density, thus the proposal will not result in any additional wear and tear on the adjacent roads such that the collection of funds for off-site improvements would be warranted.

Furthermore, the City of Enderby Planner raises no objections to the applicant's request to not require the construction to centreline for Regent Avenue in accordance with the Local Standards, given that the City has no plans for the portion of Regent Avenue between High Street and Cliffview Drive to be constructed, as read consistent with the Public Works Manager's comments.

Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of a Development Variance Permit for the variance requests described above.

Provision of Ornamental Street Lighting and Underground Wiring

The City of Enderby Planner raises no objections to the applicant's request to vary Section 6.0 and 7.0 of Schedule "A" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring the provision of ornamental street lighting or underground wiring for power, telephone and cablevision. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of a Development Variance Permit for the following reasons:

- There is currently a lease light on the Hydro pole at the intersection of High Street and Regent Avenue on Cliffview Drive just south of Lot 4, and ornamental street lighting is not the current standard for the neighbourhood; and
- Overhead wiring is the existing standard in the neighbourhood and requiring the installation of underground wiring for the subject property's limited frontage is unnecessary and would have no impact on improving the broader service standard of the neighbourhood.

Rear Yard Setback

The City of Enderby Planner raises no objections to the applicant's request to vary Section 602.10.d of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum rear yard setback for an existing single-family dwelling on proposed Lot A from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of a Development Variance Permit for the following reasons:

- A reduced rear yard setback for the single family dwelling on proposed Lot A would only impact the owner of proposed Lot B; while proposed Lots A and B have the same owner, any subsequent purchaser of proposed Lot B would be aware of the single-family dwelling's reduced setback on Lot A, prior to purchase; and
- Although the boundary lot adjustment proposal could be modified to shift the internal lot line between proposed Lots A and B to the east, in order to increase the rear yard setback for proposed Lot A, this would reduce the lot area for proposed Lot B which has significant slopes needing a larger lot area to ensure constructability.

SUMMARY

This report relates to a Development Variance Permit application for the properties located at 902 Regent Avenue, 906 Regent Avenue, and 117 Cliffview Drive, Enderby BC. The applicant is proposing a boundary lot adjustment which would see the four subject parcels consolidated into two parcels, as shown on the attached Schedule 'B'. As part of the boundary lot adjustment process, the applicant is seeking a variance to the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum rear yard setback for an existing single-family dwelling on proposed Lot A from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A'. Furthermore, the applicant is seeking to vary the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by, i) not requiring the portions of High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, ii) not requiring the portion of Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, iii) not requiring the provision of ornamental street lighting, and iv) not requiring the provision of underground wiring for power, telephone and cablevision.

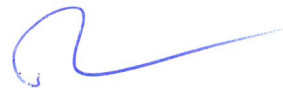
The City of Enderby Planner is supportive of the variance requests.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

DEVELOPMENT VARIANCE PERMIT APPLICATION

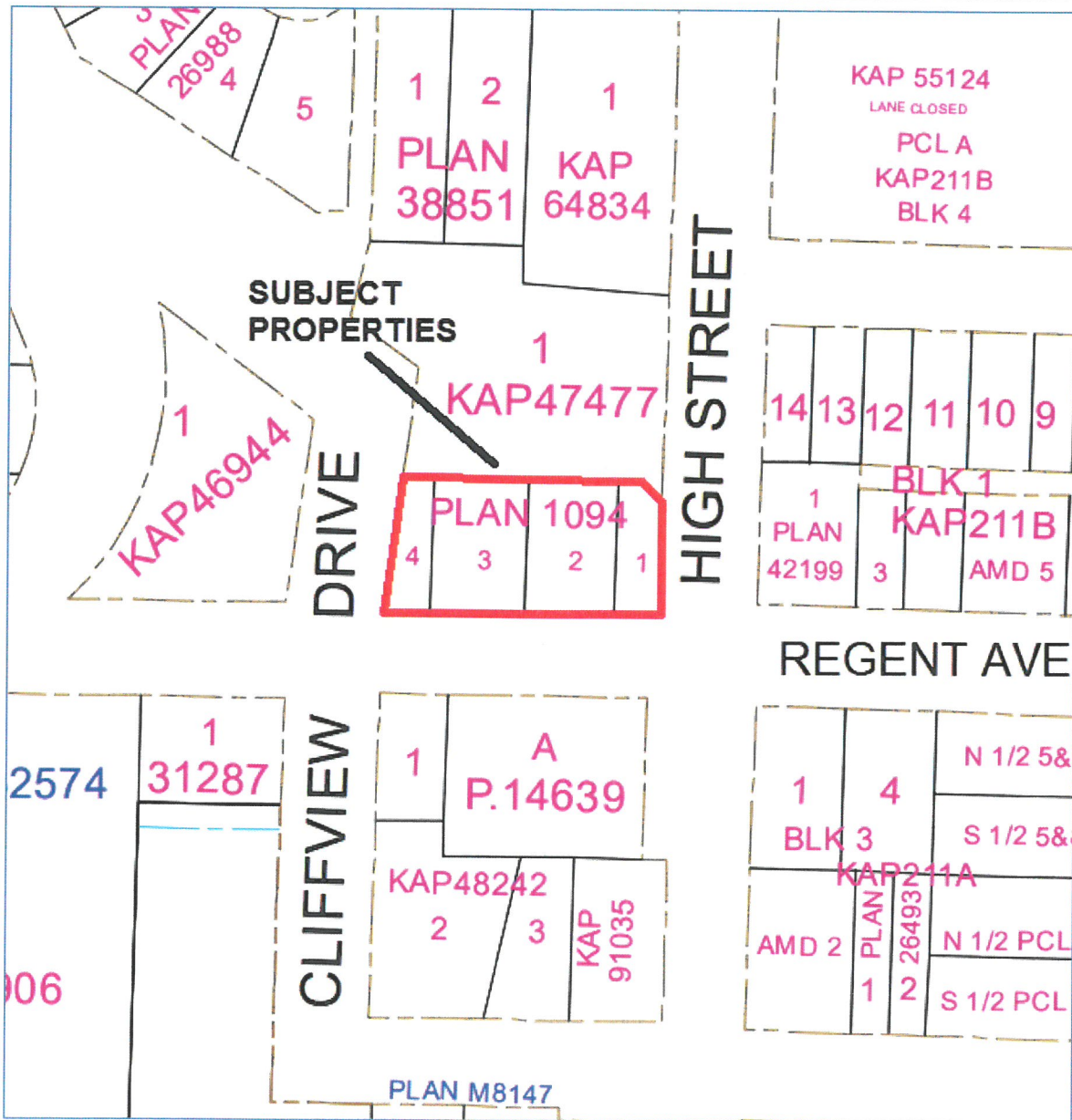
SUBJECT PROPERTY MAP

File: 0061-22-DVP-END

Applicant: James Kay

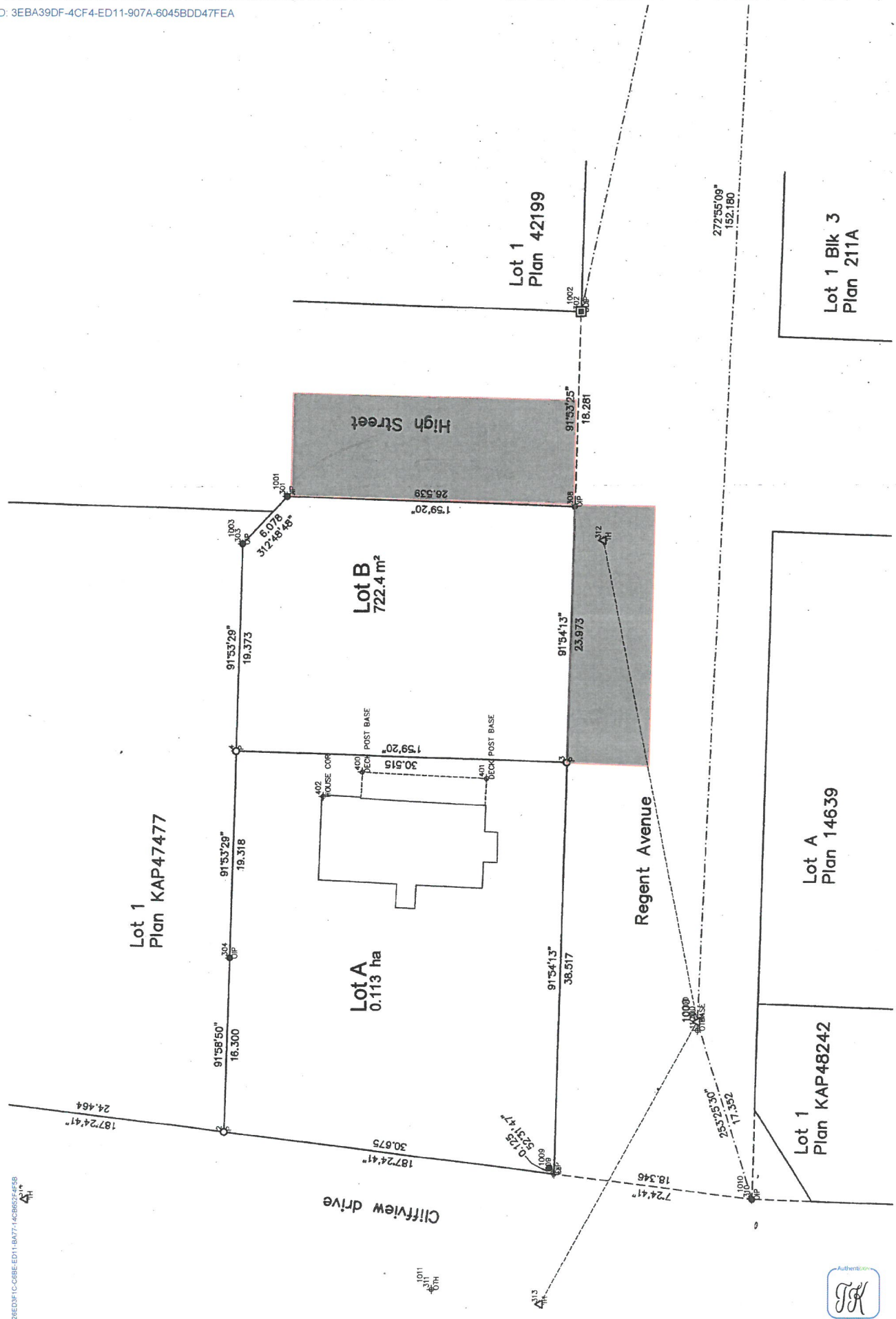
Owner: Teri Robson and Andrew Kivari

Location: 117 Cliffview Drive, 902 Regent Avenue, and 906 Regent Avenue Enderby BC



Schedule 'A'

Authentisign ID: 28ED3F1C-CB8E-ED11-8A77-14C8B5244E5B

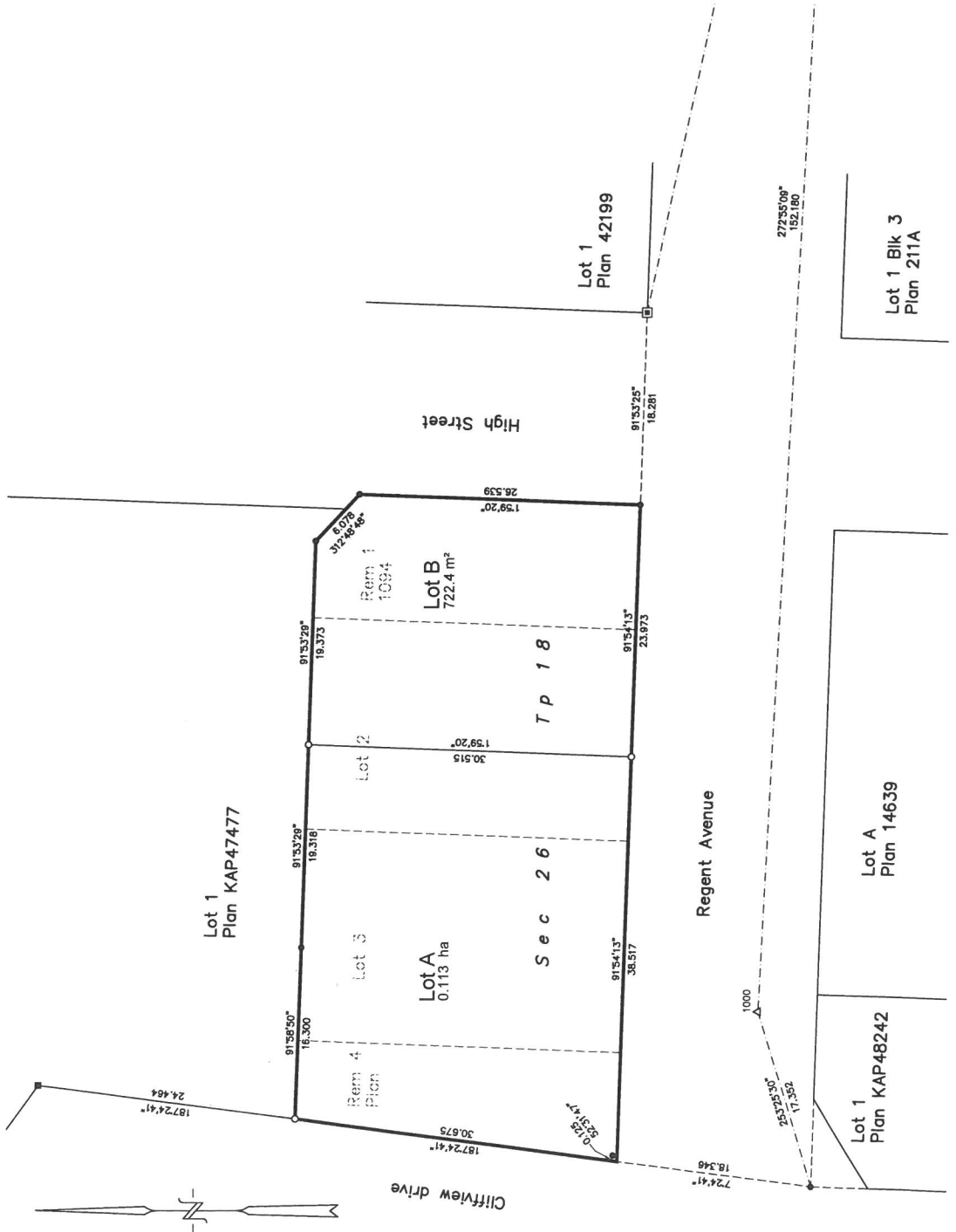


**SUBDIVISION PLAN OF LOT 1, EXCEPT PLAN M13332, LOT 2, LOT 3,
AND LOT 4, EXCEPT PLAN M8147; ALL OF BLOCK 1, SEC 26, TP 18,
R9, W6M, KDYD, PLAN 1094.**

BCGS 82L.055



All distances are horizontal ground level, in metres and decimals thereof
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY
432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:300



LEGEND

- DENOTES LEAD PILE FOUND
- DENOTES DOMINION IRON POST FOUND
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- △ DENOTES TRAVERSE HUB SET

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL CARRIER PHASE GNSS MEASUREMENTS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11 NORTH.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE SHOWN AS GNS DATA AND FREQUENCY OBSERVATIONS AND POST PROCESSED USING THE GNS PPP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. COMPARISON OF HORIZONTAL GROUND LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9898278. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 353 METRES.

REFERENCE POINT 1000	5602288.676
UTM EASTING	346037.280
DATUM	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY	IS 0.05m
COMBINED FACTOR	IS 0.9898282
REFERENCE POINT 1005	5602326.357
UTM EASTING	346006.371
DATUM	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY	IS 0.05m
COMBINED FACTOR	IS 0.9898286

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF ENDESBY.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE DAY OF FEBRUARY, 2023.
JASON RUSSELL SHORTT, BOLS # 770

russell shortt
land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511 Email: jason@rshortt.ca
F.B. File: 27619 ECR # mddy

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: June 15, 2023
Subject: Road Closure Request – Unconstructed Portion of Regent Avenue Between High Street and Cliffview Drive

RECOMMENDATION

THAT Council directs Staff to prepare a Road Closure and Removal of Dedication Bylaw to close the road and remove dedication for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A';

AND THAT Council approves the offer from James Kay to purchase all or part of the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A', for fair market value, for the purposes of lot consolidation;

AND THAT Council directs Staff to engage with the owners of 1104 High Street, adjacent to the proposed road closure area, to determine if they have any interest in acquiring half of the proposed road closure area shown on the attached Schedule 'A', for fair market value;

AND THAT Council confirms that the road closure for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A', and the subsequent transfer of the road area to adjacent property owners for the purposes of lot consolidation, be subject to the following conditions:

- The City shall receive a statutory right-of-way, to its satisfaction, to protect the City's current and future utility interests through the closed road area;
- The transfer of the closed road area is subject to the City of Enderby receiving fair market value, as reasonably determined by the City;
- All expenses related to advertising, survey, legal and other costs associated with raising title, sale, transfer, and consolidation shall be borne by the applicant(s);
- The associated Road Closure and Removal of Dedication Bylaw will not be adopted until the boundary lot adjustment shown on the attached Schedule 'B' is completed;
- The transfer of the road closure area to the applicant(s) must occur concurrently with the consolidation of the road closure area and the adjacent parcel(s), or otherwise be assured through a Letter of Undertaking; and
- All legislative conditions of the road closure process must be met and the Road Closure and Removal of Dedication Bylaw must be adopted.

ALTERNATE RESOLUTION

THAT Council does not support a road closure for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A', at this time.

BACKGROUND

Context

Teri Robson and Andrew Kivari are the owners of four parcels that are involved in a boundary lot adjustment subdivision which proposes to consolidate the four parcels into two parcels, with proposed Lot A being 1,130 m² (0.28 acres) in area and proposed Lot B being 722.4 m² (0.18 acres) in area, as shown on the attached Schedule 'B'. James Kay (the "applicant") is the applicant for the boundary lot adjustment subdivision application (and the associated Development Variance Permit application) and is intending to purchase proposed Lot B if and when the boundary lot adjustment subdivision is complete.

Proposal

The applicant has submitted a request to purchase the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A', for the purposes of consolidating it with proposed Lot B shown on the attached Schedule 'B'. The applicant has advised that the consolidation of the proposed road closure area would provide additional flexibility for future development on proposed Lot B.

Given that the properties are currently zoned Residential Single-Family (R.1-A), the only residential use that could occur on proposed Lot B would be a single-family dwelling (with or without an attached secondary suite). However, it should be noted that the applicant has submitted a Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment application seeking to enable the construction of a three-family dwelling on proposed Lot B.

Analysis

The City has no plans to construct a road on the unconstructed portion of Regent Avenue between High Street and Cliffview Drive shown on the attached Schedule 'A', given the steep grades. The only current and foreseeable public purpose for this unconstructed road dedication is to act as a utility corridor for municipal infrastructure. Given this, Staff have no concerns with the applicant's request to acquire this portion of road for the purposes of consolidating it with the proposed Lot B, as long as any potential road closure is subject to the registration of a statutory right-of-way, to the satisfaction of the City, in order to protect the City's current and future infrastructure interests through the closed road area. Staff note that this statutory right-of-way would not only provide for rights of interruption and excavation, but may also involve restrictions on how the surface of the land may be used, subject to verifying the depths of existing infrastructure to determine whether ground cover is adequate for the intended purpose. Furthermore, any potential road closure must be subject to the City receiving fair market value for the land, as reasonably determined by the City. Staff recommend that the applicant(s) be made responsible for all expenses related to advertising, survey, legal and other costs associated with

raising title, sale, transfer, and consolidation. These requirements are consistent with previous road closures that the City of Enderby has accepted for the purposes of adjacent lot consolidation. It should be noted that Staff have calculated a fair market value of approximately \$71,000 for the proposed road closure area, based on the assessed land value of the adjacent parcels; this value is subject to slight variation once a formal road closure plan has been developed by a BC Land Surveyor, at which point the total road closure area will be confirmed.

Under the current lot configuration of the four parcels that are subject to the boundary lot adjustment application, Lot 2 does not use the unconstructed portion of Regent Avenue for access/driveway purposes but does rely on the dedication to have formal road frontage; in other words, without the Regent Avenue dedication, Lot 2 would be considered 'land locked'. Given this, it is recommended that a potential road closure be subject to the boundary lot adjustment shown on Schedule 'B' being completed, such that Lot A would have suitable frontage off of Cliffview Drive, and Lot B would have suitable frontage off of High Street, with neither lot requiring the Regent Avenue dedication for frontage purposes.

Should Council support the road closure request, it is recommended that Staff be directed to engage with the owners of 1104 High Street, adjacent to the proposed road closure area, to determine if they have any interest in acquiring half of the proposed road closure area shown on the attached Schedule 'A', for fair market value; this offer would ensure fairness to both properties that abut the Regent Avenue dedication. If that neighbouring property owner does not wish to purchase the portion of the dedication fronting their property, then the applicant could proceed with purchasing the full width of the road closure area. The applicant has confirmed that they are comfortable with either purchasing half of the proposed road closure area, or all of it.

Lastly, it is recommended that the transfer of the road closure area to the applicant(s) must occur concurrently with the consolidation of the road closure area and the adjacent parcel(s), or otherwise be assured through a Letter of Undertaking, consistent with legislative requirements.

Legislative Requirements

It should be noted that there are several legislative requirements that the City of Enderby must consider as part of the proposed road closure; an analysis of these requirements is summarized below:

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

its intended purpose, AND (b) the owner of the land at the time of the dedication is still the owner of all the parcels created by the subdivision or reference plan.

Staff confirm that the owner of the land at the time the road was dedicated is no longer the owner of all the parcels created at subdivision, therefore the owner who originally dedicated the road does not continue to have an interest in the road, despite it not being developed as a road.

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

Staff can confirm that the road area in question does not provide access to a body of water.

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

As previously discussed, the existing Lot 2 relies on the unconstructed Regent Avenue dedication for its formal road frontage; without this frontage, the lot would be considered 'land locked'. Given this, it is recommended that any road closure be subject to the completion of the boundary lot subdivision shown on Schedule 'B'; after which, the road closure would not deprive any owner of access to their property.

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

Yes, the road area is within 800 metres of Highway 97A, therefore the City will have to obtain approval from the Minister of Transportation and Infrastructure prior to adopting a Road Closure and Removal of Dedication Bylaw.

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

The City will refer a Road Closure and Removal of Dedication Bylaw and the associated reference plan to all applicable utility companies in order to determine if any utilities would be affected by the proposed road closure.

With respect to municipal utilities, Staff are recommending that any potential road closure is subject to the registration of a statutory right-of-way, to the satisfaction of the City, in order to protect the City's current and future infrastructure interests through the closed road area.

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

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

adjoining land owner for consolidation purposes, the Corporate Officer may file a certificate in the Land Titles Office in order to cancel the Province's right of resumption (see attached certificate). Further to this requirement, it is recommended that, as an express condition of the road closure, the transfer of the road closure area to the applicant(s) must occur concurrently with the consolidation of the road closure area and the adjacent parcel(s), otherwise be assured through a Letter of Undertaking.

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

Staff are recommending that any transfer of the closed road area is subject to the City of Enderby receiving fair market value, as reasonably determined by the City. It should be noted that Staff have calculated a fair market value of approximately \$71,000 for the proposed road closure area, based on the assessed land value of the adjacent parcels; this value is subject to slight variation once a formal road closure plan has been developed by a BC Land Surveyor, at which point the total road closure area will be confirmed.

Should Council approve the applicant's offer to purchase all or part of the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, as shown on the attached Schedule 'A', for fair market value and subject to the conditions discussed above, it is recommended that Council directs Staff to prepare a Road Closure and Removal of Dedication Bylaw.

Alternatively, Council may choose to not support a road closure for the unconstructed portion of Regent Avenue between High Street and Cliffview Drive, at this time, in which case no further action is required.

Respectfully Submitted,



Kurt Inglis
Planner

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

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

- a) the municipality has, by City of Enderby Road Closure and Removal of Dedication Bylaw No. 1707, 2020 under Section 40 of the *Community Charter*,
 - i. closed the highway or portion, and
 - ii. removed its dedication,

- b) the closed highway or portion is not adjacent to,
 - i. a park, recreational area or ecological reserve established under the *Park Act*, the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*, or
 - ii. an area to which an order under Section 7 (1) of the *Environmental and Land Use Act* applies, and

- c) the land is to be disposed of
 - i. in exchange for land necessary for the purpose of improving, widening, straightening, relocating or diverting a highway, or
 - ii. to one or more adjacent landowners for the purpose of consolidating it with the landowners' existing adjacent parcel or parcels of land.

Certified true this day of , .

Tate Bengtson, Corporate Officer
City of Enderby

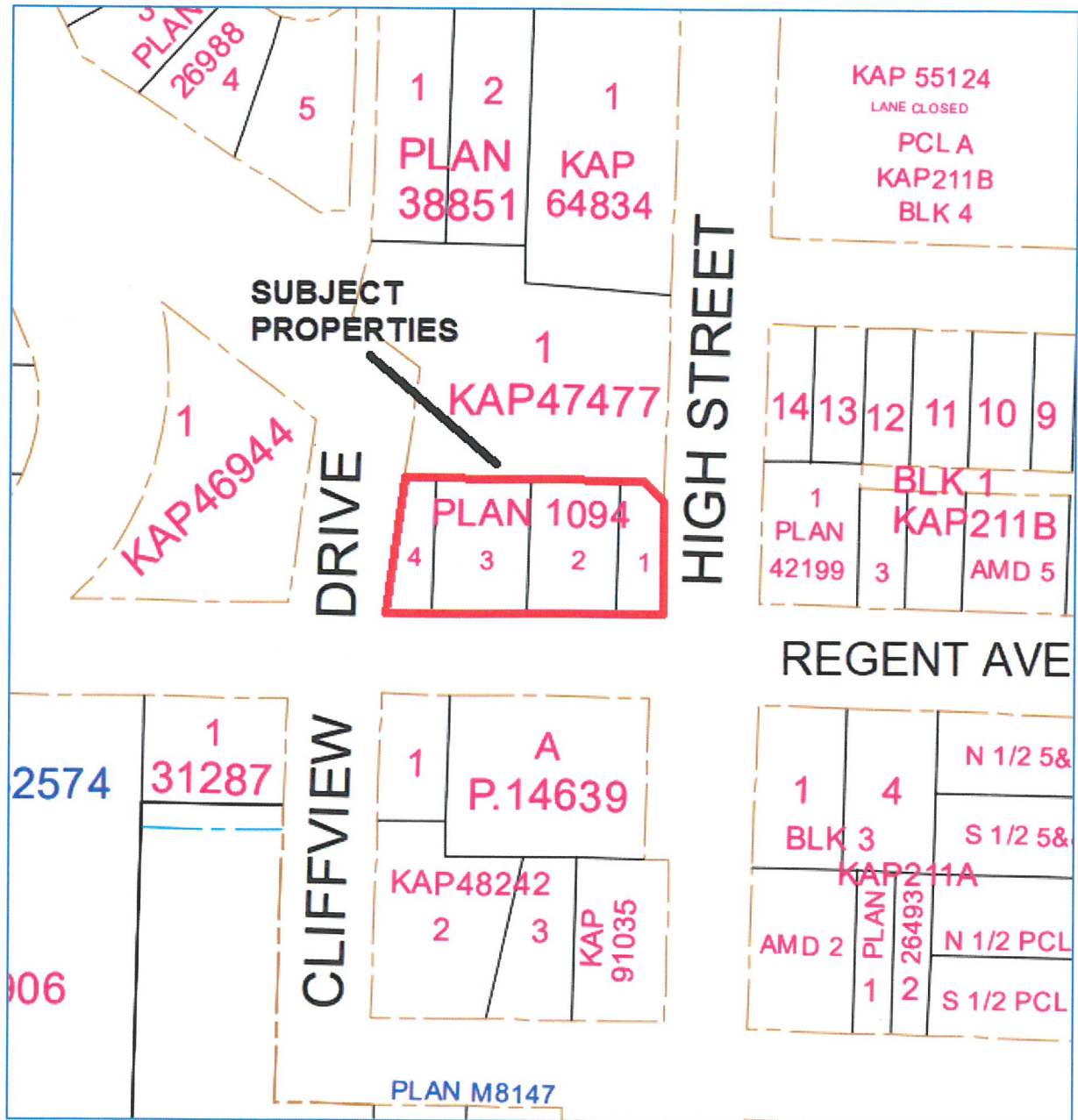
THE CORPORATION OF THE CITY OF ENDERBY

SUBJECT PROPERTY MAP

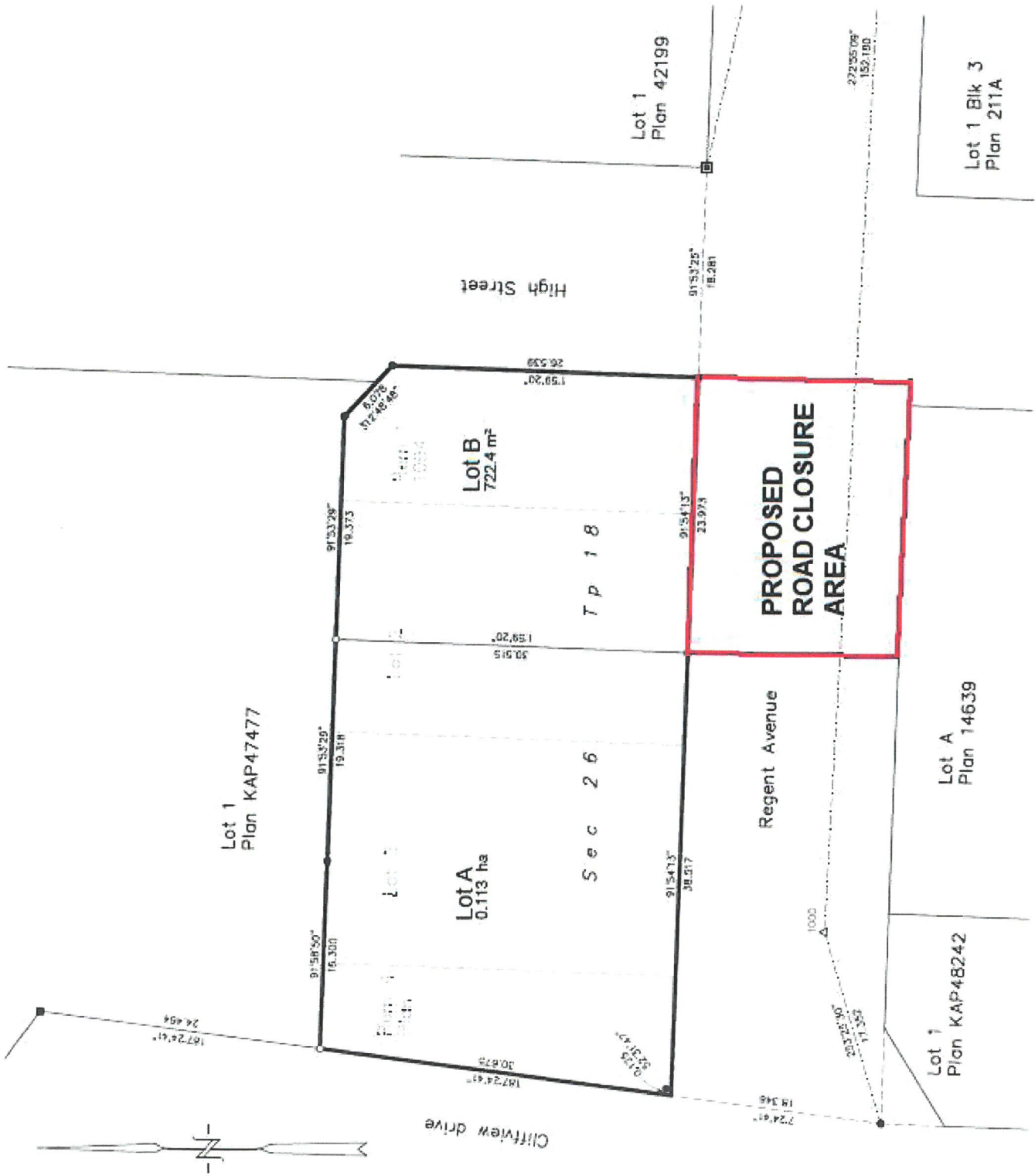
Applicant: James Kay

Owner: Teri Robson and Andrew Kivari

Location: 117 Cliffview Drive, 902 Regent Avenue, and 906 Regent Avenue Enderby BC



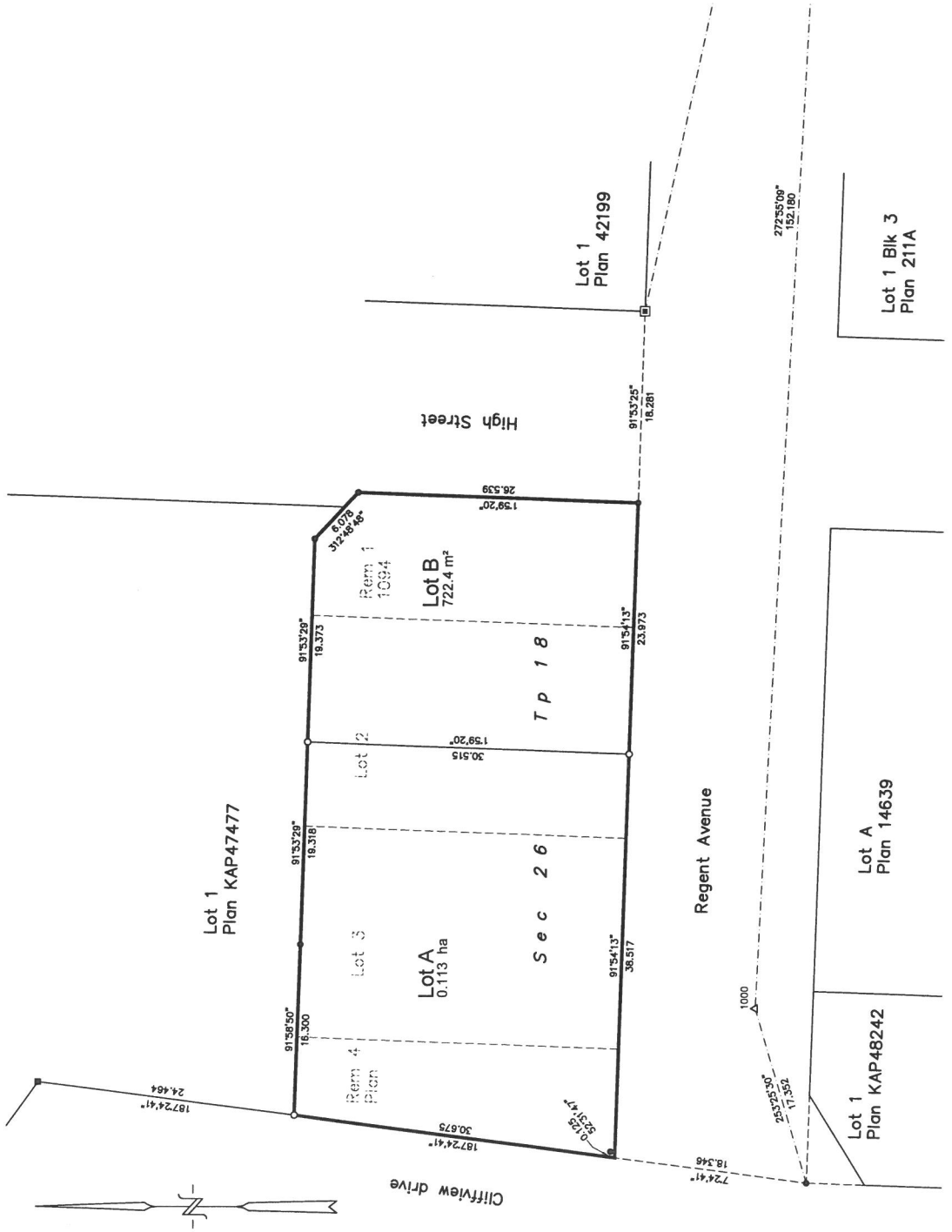
SCHEDULE 'A'



**SUBDIVISION PLAN OF LOT 1, EXCEPT PLAN M13332, LOT 2, LOT 3,
AND LOT 4, EXCEPT PLAN M8147; ALL OF BLOCK 1, SEC 26, TP 18,
R9, W6M, KDYD, PLAN 1094.**

BCGS 82L.055

All distances are horizontal ground level, in metres and decimals thereof.
THE INTENDED PLOT SIZE OF THIS PLAN IS 580mm IN WIDTH BY
432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:300



**PLAN EPP
SCHEDULE 'B'**

LEGEND

- DENOTES LEAD PILE FOUND
- DENOTES DOMINION IRON POST FOUND
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- △ DENOTES TRANSVERSE HUB SET

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.
GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL CORRECTED PHASE GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11 NORTH.
THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY OBTAINED ARE DERIVED USING 3 HOURS OF GNSS REAL TIME KINEMATIC OBSERVATIONS AND POST PROCESSED USING THE CSRS-PPP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.
THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998279. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 353 METRES.

REFERENCE POINT 1000	5602288.676
UTM NORTHING	348037.250
UTM EASTING	348037.250
DATUM	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY	0.05m
COMBINED FACTOR IS	0.9998282

REFERENCE POINT 1005	5602326.357
UTM NORTHING	348096.371
UTM EASTING	348096.371
DATUM	NAD83 (CSRS)(2002), UTM Zone 11
ESTIMATED ABSOLUTE ACCURACY	0.05m
COMBINED FACTOR IS	0.9998286

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF ENDEBERG.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE DAY OF FEBRUARY, 2023.
JASON RUSSELL SHORTT, BCLS # 770

russell shortt
land SURVEYORS
2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)540-0511 Email: jason@rshortt.ca
F.B. # 27619 ECR # mmdoy

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: June 13, 2023
Subject: Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023

RECOMMENDATION

THAT Council gives first reading to Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023;

AND THAT Council refers Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023 to a Medical Health Officer and considers their feedback prior to giving second and third reading to the bylaw.

BACKGROUND

At its regular meeting of June 5, 2023, Council resolved the following:

THAT Council directs staff to prepare a bylaw to prohibit the possession of illegal drugs in public spaces in the City of Enderby.

Attached to this memorandum is the City of Enderby Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023.

While the amendment bylaw has the purpose of regulating, in certain public spaces, the display and use of controlled substances, including illegal drugs and drug paraphernalia, for which there may be an incidental effect upon federal criminal law powers despite the bylaw's valid municipal purpose, it is focused on areas frequented by children so as to not frustrate a federal or provincial purpose or enactment (in which case the bylaw would have no effect).

The amendment bylaw only seeks to regulate for certain public places in accordance with Section 8(3)(b) of the *Community Charter*. The amendment bylaw does not seek to advance any public health purpose nor exercise any public health power pursuant to Section 8(3)(i) of the *Community Charter*, as this is a sphere of concurrent authority for which a bylaw may only be adopted with the formal support of the provincial government by way of a regulation, agreement or ministerial approval in accordance with Section 9(3) of the *Community Charter*.

The amendment bylaw's regulation on the display and use of controlled substances, including illegal drugs and drug paraphernalia, in certain public spaces is of no force or effect on

unoccupied Crown land, lands owned or occupied by the provincial or federal governments, or agents thereof.

The bylaw amendment only regulates for “display and use” of illegal drugs and drug paraphernalia in certain public spaces, and does not regulate for possession; as personal possession is at the core of the provincial purpose, and further in consideration of *Charter* rights with respect to search and seizure, regulating for personal possession of illegal drugs in certain public spaces, which are *not* being displayed or used, is likely subject to substantial challenge; however, Council should note that possession for the purposes of trafficking is not subject to the illegal drugs exemption and is something that the RCMP can still enforce through the *Criminal Code*.

The existing City of Enderby Public Spaces Bylaw No. 1604, 2016 bylaw already regulated for controlled substances in public spaces through Section 3.20:

No Person shall be permitted in any Public Space to possess paraphernalia used for the purposes of storing, transporting, selling, or using illegal drugs.

In essence, the amendment bylaw replaces Section 3.20, above, with a regulation that comes closer to meeting the changed landscape of controlled substances in British Columbia, in light of the exemption on the personal possession of illegal drugs. In all likelihood, the broad approach of the current Section 3.20 of the Public Spaces Bylaw, if not amended, would be inconsistent with the changed landscape of controlled substances in British Columbia, in light of the exemption for personal possession. The change is as follows:

No person shall display or use Drug Paraphernalia or a Controlled Substance, including Illegal Drugs, while in or on Municipal Lands and Improvements or the Shuswap North Okanagan Rail Trail.

This amendment must be read in conjunction with the added or replaced definitions, which are designed to clarify the relationship between exempt illegal drugs and controlled substances, and further clarify the definition of “public space” so as to not frustrate a political or federal purpose. Staff further note that the City’s Public Spaces Bylaw does not regulate for occupied spaces owned or controlled by the provincial or federal government, or agents thereof, to which the public has an implied or express invitation (for instance, a supervised consumption site).

Also attached to this memorandum are backgrounders on the City’s legal authority, the rationale of the provincial and federal governments, and recent statements by Premier Eby acknowledging “unintended impacts” and indicating a degree of support for the use of municipal powers to address public drug use, as well as an expression of interest in adding further powers to local governments to manage the impacts of the provincial policy on decriminalization of illegal drugs.

Staff are recommending that, should Council choose to proceed, the bylaw only be given first reading at this time and then referred to a Medical Health Officer for consideration of their feedback before giving second and third reading to the bylaw. This is a best practice and appears consistent with statements from the provincial government.

In the event that the provincial government does choose to provide additional powers to local governments, this bylaw amendment will need to be reviewed against any future enactment; if necessary, additional bylaw amendments may need to be brought forward to keep the City's Public Spaces Bylaw aligned with provincial and federal purposes and enactments.

Finally, should Council adopt the amendment bylaw, enforcement will generally occur incidental to other bylaw compliance activities, unless Council wishes to add dedicated enforcement resources to prioritize this matter. The enforcement approach will typically rely upon the bylaw's authority under Section 4.5 to remove a person from a public space due to the display or use of illegal drugs and drug paraphernalia for 48 hours, rather than seizure, penalties, prosecutions, or other compliance tools.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1772

A BYLAW TO AMEND PUBLIC SPACES BYLAW NO. 1604, 2016

WHEREAS Section 8(3)(b) of the Community Charter authorizes a council to adopt bylaws to regulate, prohibit and impose requirements in relation to public places;

AND WHEREAS Council of the City of Enderby has adopted “City of Enderby Public Space Bylaw No. 1604, 2016”;

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

1. CITATION

This bylaw may be cited as the “City of Enderby Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023”.

2. AMENDMENTS

The City of Enderby Public Spaces Bylaw No. 1604, 2016 is hereby amended as follows:

1. By replacing the definition of “Controlled Substance” with the following:

“**Controlled Substance**” means a substance as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act* and includes Illegal Drugs;

2. By adding a definition for “Drug Paraphernalia” as follows:

“**Drug Paraphernalia**” means equipment, products, or accessories intended or modified for using a Controlled Substance;

3. By adding a definition for “Illegal Drugs” as follows:

“**Illegal Drugs**” means any Controlled Substance that has received an exemption pursuant to Section 56 of the *Controlled Drugs and Substances Act*;

4. By adding a definition for “Municipal Lands and Improvements” as follows:

“**Municipal Lands and Improvements**” means an area of land, with or without improvements, including a Highway, Park, or other civic use, for which the City possesses, controls, or administers the land or improvement, and includes civic buildings, areas around civic buildings, and areas which are used, or may be used, as Highway or Park;

5. By replacing the definition of “Public Space” with the following:

"Public Space" means any place within the City of Enderby to which the public has either express or implied access, and includes:

- i. Municipal Lands and Improvements;
 - ii. unoccupied areas of Crown Land; and
 - iii. that portion of the Shuswap North Okanagan Rail Trail corridor shown as 'Transportation Corridor' on Schedule 'H' of City of Enderby Zoning Bylaw No. 1550, 2014.
6. By renumbering Section 2 – Definitions and Interpretations in accordance with the above amendments.
7. By replacing Section 3.20 with the following:

No person shall display or use Drug Paraphernalia or a Controlled Substance, including Illegal Drugs, while in or on Municipal Lands and Improvements or the Shuswap North Okanagan Rail Trail.

READ a FIRST time this ___ day of _____, 2023.

READ a SECOND time this ___ day of _____, 2023.

READ a THIRD time this ___ day of _____, 2023.

ADOPTED this ___ day of _____, 2023.

MAYOR

CORPORATE OFFICER

Decriminalization of People Who Use Drugs in BC

Adults 18+ in BC are allowed to possess ('hold') small amounts of certain illegal drugs for personal use (opioids, cocaine including crack and powder, methamphetamine, MDMA). Some exceptions apply.

Why

Substance use is a public health issue, not a criminal one. Shame and fear of criminalization can drive people to use drugs alone, and using toxic drugs alone can be fatal.

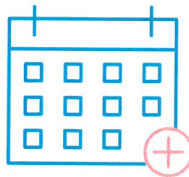
Decriminalization will help reduce stigma and encourage people who use drugs to seek lifesaving services and care.

Decriminalization is not legalization. These drugs remain illegal and unregulated and will not be sold in stores. Drug trafficking and related offences remain illegal.



Who

Adults 18+ in BC. It does not apply to people under the age of 18.



When

From January 31, 2023, until January 31, 2026.



Where

The Province of BC only.

What will change ...

Adults 18+ in BC can possess ('hold') a total amount equal to or less than 2.5 grams of these illegal drugs for personal use:

- Opioids (including heroin, morphine, and fentanyl)
- Cocaine (including crack and powder cocaine)
- Methamphetamine (meth)
- MDMA (ecstasy)

Adults in possession of up to 2.5 grams of these drugs for personal use will not be arrested, charged, fined, or have their drugs seized. Instead, information about voluntary health and social supports will be offered.

Municipal bylaws on public use may apply.

What remains illegal in BC ...

Any amount of any illegal drugs, including the four types listed, cannot be possessed:

- on the properties of elementary and secondary schools and childcare facilities
- in airports or other ports of entry; or
- within reach of a person operating a motor vehicle or watercraft

and cannot be

- imported or exported
- produced
- trafficked
- taken across a domestic or international border

Version: October 6, 2022

For the latest information and a complete list of exceptions, please refer to www.gov.bc.ca/Decriminalization




Ministry of
Mental Health
and Addictions


EXEMPTION FROM THE CONTROLLED DRUGS AND SUBSTANCES ACT:


PERSONAL POSSESSION OF SMALL AMOUNTS OF CERTAIN ILLEGAL DRUGS IN BRITISH COLUMBIA (JANUARY 31, 2023 TO JANUARY 31, 2026)


The Province of British Columbia requested a subsection 56(1) exemption under the *Controlled Drugs and Substances Act* (CDSA). After a thorough assessment, this exemption was granted by the federal Minister of Mental Health and Addictions and Associate Minister of Health to support the province in implementing its comprehensive public health response to the overdose crisis.




WHO
Adults 18+ in BC


WHEN
From January 31, 2023 until January 31, 2026


WHERE
The province of BC only


WHAT

Adults 18+ in BC will not be arrested or charged for the possession of a cumulative amount of up to 2.5 grams of these illegal drugs for personal use:

- ▶ Opioids (including heroin, morphine, and fentanyl)
- ▶ Cocaine (including crack and powder cocaine)
- ▶ Methamphetamine (meth)
- ▶ MDMA (ecstasy)

Evidence on effective and safe threshold amounts of these drugs is limited. As this is the **first exemption of its kind in Canada**, ongoing monitoring will inform if it is contributing to its objectives which includes reducing stigma and substance use harms and increasing access to health and social services for people who use drugs in BC.


WHAT REMAINS ILLEGAL IN BC

Unless authorized, any amount of illegal drugs, including the four listed in the exemption, cannot be possessed

- ▶ in and surrounding elementary and secondary schools and child care facilities
- ▶ in airports

and cannot be

- ▶ imported or exported
- ▶ produced
- ▶ given away, administered, supplied or sold
- ▶ sent or delivered
- ▶ used while operating a motor vehicle or watercraft


WHY

This is an additional tool that the federal government is providing to BC to help address substance use harms, reduce stigma and prevent overdose deaths. **Ultimately, the goal is to save lives.** The Government of Canada continues to take a comprehensive approach to addressing substance use harms and the overdose crisis.

Decriminalizing people who use drugs in B.C.

Adults in B.C. are not subject to criminal charges for the personal possession of small amounts of certain illegal drugs. Health Canada granted an exemption from the *Controlled Drugs and Substances Act* to the Province of B.C. from January 31, 2023 until January 31, 2026.

English | [繁體中文](#) | [簡體中文](#) | [Français](#) | [ਪੰਜਾਬੀ](#) | [فارسی](#) | [Tagalog](#) | [한국어](#) | [Español](#) | [عربی](#) | [Tiếng Việt](#) | [日本語](#)
| [हिंदी](#) | [Українська](#) | [Русский](#)

Last updated: **March 7, 2023**

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- [What changes](#)
- [What remains illegal](#)
- [Youth and the law](#)
- [How decriminalization was implemented](#)
- [Resources](#)

Why we decriminalized personal possession of some drugs

The decriminalization of people who possess certain illegal drugs for personal use is a critical step in B.C.'s fight against the toxic drug crisis.

It will help reduce the barriers and stigma that prevent people [from accessing life-saving supports and services](#). Substance use is a public health matter, not a criminal justice issue.

Public health experts, police and advocates have called for decriminalization, pointing to a range of potential benefits.

Provincial Health Officer Dr. Bonnie Henry advocated for decriminalization as a key strategy to reduce stigma and address the toxic drug crisis in her 2019 report, *Stopping the Harm: Decriminalization of People Who Use Drugs in BC*.

The Canadian Association of Chiefs of Police endorses decriminalization as an effective way to reduce public health and public safety harms.

[Check out our new site](#)

International evidence on decriminalization

Decriminalization has been implemented in many other jurisdictions including Portugal, Uruguay, Germany, Lithuania, Australia, the Czech Republic and Oregon, USA . Evidence suggests that decriminalization is an effective way to reduce the harms associated with substance use and criminalization.

Decriminalization is not associated with increased rates of substance use. In Portugal, since decriminalization, rates of substance use and overdose deaths have remained below the European Union averages.

Decriminalization is expected to provide cost savings to the criminal justice system. In Portugal, since decriminalization, the proportion of prisoners sentenced for drugs has fallen from 40% to 15%; and the substantial reduction in arrests and charges alleviates pressure on the criminal justice system.

What changes

Health Canada granted an exemption from the *Controlled Drugs and Substances Act* to the Province of B.C. This is effective from January 31, 2023 to January 31, 2026.

Under this exemption, adults (18 years and older) in B.C. are not arrested or charged for possessing small amounts of certain illegal drugs for personal use. The illegal drugs covered by the exemption are:

- Opioids (such as heroin, morphine, and fentanyl)
- Crack and powder cocaine
- Methamphetamine (Meth)
- MDMA (Ecstasy)

Adults found in personal possession of any combination of these illegal drugs that adds up to a combined total of 2.5 grams or less are not subject to criminal charges and the drugs are not seized. Instead, they are offered information about health and social supports. This includes support with making a referral to local treatment and recovery services, if requested.

What remains illegal

Adults (18 and over) are not allowed to possess:

- A combined total of more than 2.5 grams of these illegal drugs
- Any amount of other illegal drugs not included in the exemption

Decriminalization is not legalization. Under this exemption, illegal drugs (including those listed above) are **not** legalized and will **not** be sold in stores. Drug trafficking remains illegal, regardless of the amount of drug(s) in possession.

The exemption does not apply to certain circumstances.

Adults found in possession of any amount of illegal drugs in these locations could be charged with a criminal offence:

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- On the premises of elementary and secondary schools and licensed child-care facilities
- At airports
- On Canadian Coast Guard vessels and helicopters

In many cases, illegal drug use continues to be prohibited on private property. This includes places like shopping malls, bars and cafes. Police will continue to retain legal authority to remove people from these premises if open drug use is occurring against the wishes of the owner. In public places, drug use is also subject to local regulations.

Local governments continue to have authority for developing appropriate local bylaws, in consultation with their local Medical Health Officer.

Travel and transportation

This exemption applies in British Columbia. In all other Canadian provinces and territories, the existing laws about illegal drugs still apply. The exemption does not change Canada's border rules. Taking illegal drugs across domestic and international borders remains illegal. This applies whether exiting or entering the country, even if travelling to and from B.C. where the exemption is in place. It can result in serious criminal penalties both in Canada and abroad.

Special restrictions apply to personal motor vehicles, watercraft and public transit. Impaired driving remains illegal and subject to enforcement of applicable laws.

Possession of any illegal drugs, including those listed in the exemption, remains illegal:

- On a motor vehicle or watercraft that is operated by a minor (under 18 year of age), whether or not it is in motion

The exemption also specifies conditions on safe storage of the illegal drugs listed in the exemption:

- In personal motor vehicles and on public transit; these drugs cannot be readily accessible to the driver
- On watercrafts, these drugs cannot be readily accessible to the operator

Members of the Canadian Armed Forces

It remains a criminal offence for Canadian Armed Forces members subject to the Code of Service Discipline to possess the drugs listed in the exemption, unless otherwise authorized.

Youth and the law

The exemption does not apply to people under the age of 18.

Youth, 17 years and younger, who are found in possession of illegal drugs are subject to the federal Youth Criminal Justice Act. The Act promotes rehabilitation and reintegration of young persons who have committed offences. This can include referral by law enforcement or prosecutors to community or health services, or designated counselling services.

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Schools and daycare facilities

To ensure safety for youth, illegal drugs are prohibited on the premises of schools and licensed childcare facilities. Policies around drug use in other workplaces and organizations will still be in effect to protect children and youth in settings, like community or recreation centres.

How decriminalization was implemented

B.C. prepared for implementation by:

- Creating a robust plan for training police, including a phase one webinar for all officers in the province, and a second phase of training focusing on a health-focused approach to substance use will launch this spring
- Educating the public about these important changes
- Engaging First Nations communities and broad stakeholders including:
 - People who use drugs
 - Law enforcement
 - Racialized and diverse communities
 - Youth
 - Business improvement associations
 - Municipalities
- Continuing to invest in the full range of mental health and substance use supports, including treatment and recovery services

The provincial government has developed a robust monitoring and evaluation plan to monitor decriminalization. This plan was created in partnership with experts and stakeholders, and will focus on a range of indicators focused on outcomes associated with criminal justice, health and stigma related to substance use.

Monitoring and evaluation

Monitoring and evaluation is a critical part of Health Canada's requirements for B.C.'s decriminalization. Federal and provincial governments are working closely to evaluate and monitor decriminalization and to ensure the exemption is meeting its objectives and desired outcomes.

B.C. is monitoring and evaluating implementation, early outcomes, public awareness and unintended consequences, including:

- Improvements to experiences and outcomes for people who use drugs (for example, improved interactions with police, socio-emotional safety and wellbeing, and social opportunities)
- Improvements to Indigenous peoples' and communities' experiences and outcomes (for example, decreased racial disparities in enforcement)
- Policy design effectiveness and unintended consequences
- Law enforcement implementation and experiences, including changes in law enforcement practice (for example, reduced simple possession offences, drug seizures, and charges)

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- Health system implementation (for example, improved connections to services and supports for people who use drugs)
- Public awareness and understanding of decriminalization and substance use.

BC's monitoring and evaluation plan aims to generate timely findings to inform ongoing implementation adjustments over time.

The BC Centre for Disease Control is conducting studies and surveys of people who use drugs to better understand their experiences with decriminalization.

Distinct from BC's efforts, the federal government, through the Canadian Institutes for Health Research is funding third-party research to help assess the impact of the exemption on addressing substance use harms.

Resources

Learn more about decriminalization in B.C.:

- [Full exemption granted by Health Canada](#)
- [Accompanying Letter of Requirements](#)
- [How to talk to youth about drugs](#)
- [Factsheet on decriminalization in B.C](#)

For more information on how B.C. is tackling stigma around addictions, visit StopOverdoseBC.ca

[Check out our new site](#)

JOIN OUR NEWSLETTER

Premier offers support to municipalities trying to ban public drug use



[Cindy E. Harnett](#)
May 17, 2023 5:50 AM



B.C. Premier David Eby. DARRYL DYCK, THE CANADIAN PRESS

[Listen to this article](#)
00:04:28

Premier David Eby has offered support to municipalities passing bylaws banning drug use in public parks, playgrounds and beaches, saying he will work with them on their “shared goal” to create safer and healthier communities.

An increasing number of municipalities, including Campbell River, are creating bylaws to ban public drug use in places such as sports fields and bus shelters, after the province brought in a three-year trial decriminalizing possession of small amounts of illicit drugs for personal use, starting Jan. 31.

Recommended reads for you:

- [B.C. is reviewing its safer supply policies with an eye to expanding the program](#)
- [Health leaders reject allegation 'safe supply' adds to drug deaths](#)

Some are calling for a province-wide ban on drug use in public areas.

While he argued previously that municipalities already have tools to address public drug use – including noise and nuisance bylaws and laws against public intoxication – Eby said he’s heard from some mayors that those tools are not as effective “as we would like them to be and there’s an opportunity for the province to provide additional support.”

“I’m certainly glad to do that,” Eby said during a climate-change announcement in Richmond on Monday. “We have a shared commitment with local governments, with police to ensure safe communities for all British Columbians and to make sure we’re responding to the opioid crisis – the toxic drug crisis we’re seeing – responsibly while supporting people that need that support.”

Eby committed to working with local governments through Mental Health and Addictions Minister Jennifer Whiteside and Public Safety Minister Mike Farnworth to identify the issues “and put those rules in place so that we can ensure safe communities for everybody.”

The toxic drug crisis – declared a public health emergency in 2016 – is a longstanding issue, said Eby.

“So finding solutions that will be effective and lasting is critical,” he said. “Rushing to a solution that does not address the core issue or the concerns faced by local governments or has unintended impacts in terms of people’s health or community health or safety is not where we want to go.”

Eby said provincial and local governments need to ensure they are not putting people struggling with addiction at greater risk of overdose and death, “that we’re giving them a chance to get into treatment and to deal with the addiction that they’re struggling with.”

In Nanaimo, a divided council voted Monday in favour of Coun. Ian Thorpe's motion to request a staff report on options for controlling public drug consumption.

Thorpe said the city can't wait for the province to do something, noting residents have said they are afraid to leave their downtown condominiums with their children "because of what they have to face in the street below."

Mayor Leonard Krog said he believes the province and courts would decide that local government has no ability to regulate the use of controlled substances in public spaces.

"But I am not about to sit back in this community and watch the public consumption of drugs, the horrors that exist in our streets, without at least picking up a stone to throw against senior governments' window and get some attention."

Coun. Ben Geselbracht, who voted against the motion, called the situation a "muddled mess."

The province's decriminalization trial is "putting the cart way before the horse when there isn't proper detox facilities."

Until there's a plan to provide services, medical support for individuals and more affordable housing, "anything else is not going to make a lick of difference," he said.

In Campbell River, a proposed bylaw restricting areas where public drug consumption would be allowed is coming to council next month for a vote on third reading.

Council met this month with Whiteside, who committed to setting up a working group on the issue that includes representatives from the province, Campbell River, Island Health and First Nations.

Mayor Kermit Dahl said the city is experiencing increasing levels of public disorder due to substance abuse, mental health challenges and homelessness, and the related impacts on community safety and downtown revitalization efforts are significant.

The city and province are in a better position to work together now that the meeting has taken place, he said.

ceharnett@timescolonist.com

cjwilson@timescolonist.com

>>> To comment on this article, write a letter to the editor: letters@timescolonist.com

LIDSTONE & COMPANY

BARRISTERS AND SOLICITORS

MEMORANDUM

TO: Clients
FROM: Recky Lai
DATE: February 15, 2023
RE: Decriminalization
FILE: 99999 - 044

The aim of this bulletin is to provide an overview of the federal exemption granted to the Province of BC to decriminalize the possession of certain illegal drugs. We also flag some impacts and risks this exemption may create for local governments.

1. Overview of the Exemption

In response to a request from the Province of British Columbia and pursuant to subsection 56(1) of the *Controlled Drugs and Substances Act (CDSA)*, the Federal Government has issued a “class exemption” from the prohibition on possession of certain controlled substances in subsection 4(1) of the *CDSA*. The exemption is in effect from January 31, 2023 to January 31, 2026 and enables adults (18 years of age and older) in BC to possess up to a cumulative total of 2.5 grams of opioids (such as heroin, morphine, or fentanyl), cocaine, methamphetamine, or MDMA for personal use (the “Exemption”). Under the Exemption, adults found in possession of the listed substances will not be subject to criminal charges but will be provided with information on available local health and social services. The Exemption is only applicable if the possession of the illegal substance is for personal use with no intention to traffic.

The Exemption does not apply in respect to childcare facilities, K-12 school premises, airports, or a motor vehicle or watercraft operated by a minor regardless of whether the motor vehicle or watercraft is in motion. Further, if the illegal substance is possessed on rail transportation, in a motor vehicle or on watercraft, the illegal substance must not be readily accessible to the driver or operator. The Exemption also does not apply to a Canadian Armed Forces member who is subject to the Code of Service Discipline.

2. Impacts on Local Government

Local governments have no “direct” jurisdiction over illicit drugs. The federal government has sole jurisdiction to regulate in relation to criminal law and legislation with respect to the possession and use of illicit drugs falls under the

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VANCOUVER, BC V6B 1R8

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CALGARY, AB T2P 2V7

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criminal law power. In other words, the federal government has sole authority over what conduct with respect to illicit drugs is criminal.

Although the federal government has exclusive jurisdiction over criminal law, local governments do have powers to create bylaws regarding matters that may have incidental effects on federal criminal law power if those bylaws have a valid municipal purpose and do not make it impossible for a citizen to comply with the federal law. This would include regulating businesses, prohibiting sales of the drugs, regulating smoking, and regulating nuisances and littering in public places. Section 8(3) of the *Community Charter* is authority for these regulatory bylaws. The bylaws must be crafted with care to ensure they do not frustrate the purpose of the federal law.

3. Risks to Local Governments related to Legislating Illegal Substances.

a. Paramountcy

Paramountcy is a constitutional doctrine that is invoked in cases where there is a conflict between federal and provincial (which includes local government) law. Where a qualifying conflict exists, the federal law prevails and can trump a municipal bylaw to the extent of the inconsistency. There are two types of conflicts that could trigger the paramountcy doctrine: 1) where it is impossible to comply with both the federal and provincial/municipal enactments and 2) where compliance with both enactments is possible but compliance with the provincial/municipal law undermines the federal law.

Arguably, where the federal government has given express permission to possess certain types and quantities of illicit drugs, but a local government bylaw precludes that very activity, it is arguable that the bylaw would frustrate the purpose of the federal law, such that the bylaw would not apply.

b. Human Rights Code/Charter of Rights and Freedom

Bylaws that limit the consumption, sale, or possession of illegal substances could create challenges under the *Human Rights Code* (the “Code”) or the *Canadian Charter of Rights and Freedom* (the “Charter”). Bylaws related to illegal substances could be seen to have disproportionate impacts on people experiencing homelessness or certain racial groups, which could lead to challenges under the *Code* or the *Charter*.

Enforcement of bylaws related to illegal substances could also result in challenges under the *Code* or the *Charter*. While local governments have discretion over how bylaws are enforced, they cannot exercise that discretion in a manner that is inconsistent with the *Code*. As a result, it is possible that an individual or group could challenge a municipality’s bylaw enforcement action on the basis that it discriminates against people with addiction (which is a disability under the *Code*). Further, without authority to seize the substance an individual is consuming, bylaw enforcement officers will have difficulty determining whether the substance is one that is included under the Exemption. This could result in claims of unreasonable search and seizure under section 8 of the *Charter*.

Enforcement of the federal criminal and drug laws is expected to be under the purview of peace officers.

In sum, despite the Exemption, local governments could still regulate illicit substances; however, there may be constitutional, human rights or *Charter* concerns. We think that regulation and enforcement would be least risky under bylaws of general application, and if it remains focused on matters that squarely fall within municipal jurisdiction.

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: June 9, 2023
Subject: 2022 Annual Report

RECOMMENDATION

THAT Council considers any public input received;
AND THAT Council Approves the 2022 Annual Report.

BACKGROUND

Attached is the 2022 Annual Report which must be prepared each year, made available for public inspection and Council must receive any questions and comments from the public per Sections 98 and 99 of the Community Charter.

The Annual Report was made available for public inspection online and at City Hall Friday, June 2, 2023.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer



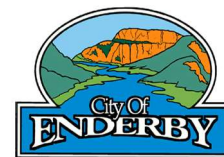
CITY OF ENDERBY

2022 ANNUAL REPORT

MISSION STATEMENT

OUR MISSION IS TO DELIVER HIGH QUALITY AND AFFORDABLE SERVICES TO ENHANCE A HEALTHY AND SUSTAINABLE, INCLUSIVE COMMUNITY FOR TODAY AND TOMORROW.

Published by the Corporation of the City of Enderby
in accordance with Part 4, Division 5 of the *Community Charter*



City of Enderby

2022 Annual Report

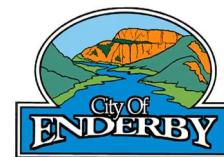
AUDITED FINANCIAL STATEMENTS

- The 2022 Audited Financial Statements were presented and approved by Council on April 17, 2023 and are included at the end of this Annual Report.

PERMISSIVE PROPERTY TAX EXEMPTIONS

- The following properties in the City of Enderby were provided permissive tax exemptions by Council in 2022. The dollar value to the right indicates the amount of property taxes that would have been imposed on the property in that year, had it not been granted a permissive property tax exemption.

	Name Civic Address	Amount (\$)
	Turning Points Collaborative Society (Pioneer Place)	1104 Belvedere Street 11,638
	Enderby & District Senior Citizen's Complex	606 Stanley Avenue 2,143
	Enderby & District Senior Citizen's Complex	1011 George Street 3,591
	Enderby Seniors Housing Society (Phase 2)	708 Granville Avenue 13,513
	Enderby Fraternal Hall Society	507 Mill Avenue 1,220
	Royal Canadian Legion Branch # 98	909 Belvedere Street 1,442
	St. Andrew's United Church	606 Regent Avenue 1,091
	St. Andrew's United Church	1110 Belvedere Street 698
	Enderby Evangelical Chapel	706 Mill Avenue 903
	Synod Diocese Kootenay (St. George Anglican Church)	602 Knight Avenue 1,127
	Synod Diocese Kootenay (St. George Anglican Church)	608 Knight Avenue 660
	Enderby Congregation of Jehovah's Witnesses	115 George Street 3,548
	Roman Catholic Bishop of Kamloops	1406 George Street 1,438
	Seventh-Day Adventist Church	703 Old Vernon Street 2,410
	Imperial Oil Ltd. (City Hall parking lot)	907 George Street 2,645
	City of Enderby (Enderby Drill Hall Committee)	208 George Street 5,126
	City of Enderby (Enderby Drill Hall Committee)	206 George Street 1,052
	City of Enderby (Enderby Drill Hall Committee)	204 George Street 1,706
	City of Enderby (Enderby & District Museum Society)	903 George Street 5,684
	Total Tax Exemptions provided for 2022	\$61,635



REPORT ON SERVICES AND OPERATIONS IN 2022

Administration and Governance

- Administered the 2022 local government elections.
- Continued to build dialogue and foster opportunities for cooperation and collaboration with neighbouring and regional partners.

Economic

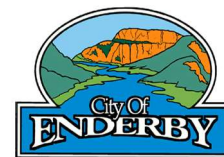
- Continued to offer case-managed development planning services.
- Continued to offer perpetual business licenses to cut red tape for businesses.
- Introduced an online booking system for Riverside RV Park.
- Resumed offering office space in City Hall for Community Futures North Okanagan small business advisors.
- Advanced a ride-sharing resolution to the Union of British Columbia Municipalities to improve transportation options in small, rural, and remote communities.
- Initiated the development of a community marketing video.
- Conducted a Business Walk to engage the local business community.

Emergency Management and Community Safety

- Completed the implementation of the local FireSmart Action Plan, including property assessments and mitigation activities.
- Initiated an Extreme Heat Risk Mapping, Assessment and Planning process through the Community Emergency Preparedness Fund.
- Modernized the telephone system across all City facilities.
- Rolled out remote work capabilities to improve resiliency and business continuity for City operations.
- Continued to enhance relationships with neighbouring jurisdictions involved in emergency management, including Splitsin, Armstrong, Spallumcheen, and the Regional District of North Okanagan.
- Continued to participate in inter-agency meetings of community support and social service groups.
- Continued to work with the RCMP to sustain and enhance a safe community.
- Deployed Speed Board Reader in key areas throughout the community.

Environment

- Continued to reduce emissions by operating a biomass heating system at the City's public works yard, which services the public works shop, sewer treatment plant, and dog pound, and participating in a biomass district heating system for the Enderby Pool.
- Planted new trees at Tuey Park and along the Riverwalk.



- Hosted the annual Our Enderby Cleanup Challenge.
- Continued the curbside spring pruning and garden waste collection program.
- Supported the annual Rivers Day event.
- Adopted a Wildlife Attractant Bylaw in order to prevent wildlife from becoming habituated due to unnatural food sources.

Infrastructure and Asset Management

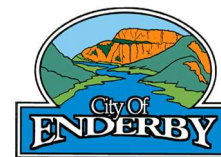
- Completed reconstruction of Mill Avenue.
- Completed design for Peacher Crescent reconstruction.
- Completed the condition and lifecycle assessment for the Enderby Arena.
- Enhanced backup power capabilities at the Wastewater Treatment Plant in order to respond to longer-duration outages more efficiently.
- Completed a long-term capital spending plan and condition and lifecycle assessment for the Enderby Arena.
- Continued to invest 1% new taxation in asset management.
- Continued concept design work for expansion of the water treatment plant and water distribution system.
- Supported planning for the construction of the Rail-Trail “test section” through the community.
- Initiated planning for reconstructing Reservoir #1.

Recreation and Public Spaces

- Continued to work on the design of the new pool.
- Continued to distribute Community Better Challenge funds across different recreation opportunities in the community.
- Installed new picnic tables at Tuey Park.
- Renewed a ball diamond infield at Riverside Park.
- Hired an Events Coordinator to restart community events and build capacity.
- Provided support to the Shuswap River Ambassadors.
- Continued operational agreement with Shuswap Trail Alliance for trail planning and development services.

Social Health, Food Security, and Housing

- Continued to recognize community volunteers.
- Continued to provide space to the Harvest Hut in the Maud Street parking lot.
- Continued to provide space on Cliff Avenue to support the Enderby Farmers Market.
- Implemented backyard hens and bees regulations to promote food security.



DECLARATION OF DISQUALIFIED COUNCIL MEMBERS

- None.

DEVELOPMENT COST CHARGES

	<i>Balance Dec 31/21</i>	<i>Received in 2022</i>	<i>Interest Earned in 2022</i>	<i>Expended / Credited in 2022</i>	<i>Balance Dec 31/22</i>
Sewer	162,007	22,156	3,479	0	187,642
Water	413,109	18,050	8,334	(16,245)	423,248
Storm Sewer	0	9,150	4	(8,380)	774
Roads/Curbs	161,667	33,180	3,586	0	198,433
Total	736,783	82,536	15,403	(24,625)	810,097

OFF-STREET PARKING RESERVE FUND

- There are no funds in this reserve.

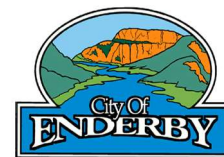
OBJECTIVES AND PROGRESS MEASURES FOR 2023

Administration and Governance

- Continue to build dialogue and foster opportunities for cooperation and collaboration with neighbouring and regional partners.
- Council adopts a strategic plan for the balance of its term.
- Council adopts, or considers adopting, a code of conduct.
- Support the development of a regional accessibility committee.
- Host "coffee with Mayor & Council" events.

Economic

- Continue to offer case managed planning services for development.
- Continue to offer perpetual business licenses to cut red tape for businesses.
- Enhance the online booking system for Riverside RV Park to grow revenues.
- Continue to provide office space in City Hall for Community Futures North Okanagan small business advisors.
- Complete the development of a community marketing video.
- Hold another Business Walk to engage with local businesses.



Emergency Management and Community Safety

- Continue to enhance relationships with neighbouring jurisdictions involved in emergency management, including Splatstin, Armstrong, Spallumcheen, and the Regional District of North Okanagan.
- Purchase new pumper/rescue truck for the Fire Department.
- Purchase new firefighting equipment through the Community Emergency Preparedness Fund.
- Complete the Extreme Heat Risk Mapping, Assessment and Planning process through the Community Emergency Preparedness Fund.
- Continue to participate in inter-agency meetings of community support and social service groups.
- Continue to work with the RCMP to sustain and enhance a safe community.

Environment

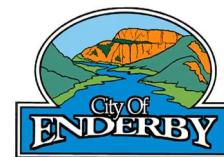
- Continue to reduce emissions by operating a biomass heating system at the City's public works yard, which services the public works shop, sewer treatment plant, and dog pound, and participating in a biomass district heating system for the Enderby Pool.
- Host the annual Our Enderby Cleanup Challenge.
- Promote the Backyard Composting Program offered through the Regional District of North Okanagan.
- Continue to provide FireSmart services.
- Continue to provide the curbside spring pruning and garden waste collection program.

Infrastructure and Asset Management

- Complete reconstruction of Peacher Crescent.
- Complete the reconstruction of Reservoir #1.
- Purchase a used dump truck to ensure adequate equipment in fleet for snow clearing.
- Upgrade water mains at Railway Street to improve fire flows.
- Continue to invest 1% new taxation in asset management.
- Complete concept design work for expansion of the water treatment plant and water distribution system.
- Support the construction of the Rail-Trail "test section" through the community.

Recreation and Public Spaces

- Complete the design and procurement of the new outdoor pool.
- Complete the distribution of Community Better Challenge funds across different recreation opportunities in the community.
- Initiate planning and stakeholder engagement for a new community event for 2024.
- Provide support to the Shuswap River Ambassadors.
- Expand the cremation garden at the cemetery.



- Provide annual grant for the Shuswap Trails Roundtable.
- Complete a review of available public, civic and institutional lands that would be suitable for a range of community amenities.
- Continue operational agreement with Shuswap Trail Alliance for trail planning and development services.
- Partner with the Shuswap Trail Alliance to construct a trail connecting Cliff Avenue to Francis Drive.

Social Health, Food Security, and Housing

- Continue to recognize community volunteers.
- Continue to provide space to the Harvest Hut in the Maud Street parking lot.
- Continue to provide space on Cliff Avenue to support the Enderby Farmers Market.
- Participate in the Regional District of North Okanagan Secondary Dwelling Design Competition.
- Adopt a local Housing Strategy based on the Housing Needs Assessment and the Regional Housing Strategy.
- Implement a land acknowledgement at the commencement of Council meetings.
- Propose to the Ministry of Health a pilot project to create and retain rural health practitioners by investing in local residents.

**THE CORPORATION OF THE CITY
OF ENDERBY**

FINANCIAL STATEMENTS

For the year ended December 31, 2022

THE CORPORATION OF THE CITY OF ENDERBY

December 31, 2022

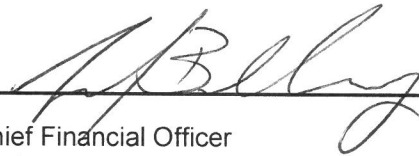
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Management's Responsibility for Financial Reporting

These financial statements and accompanying schedules of the City of Enderby are the responsibility of management and have been prepared in accordance with generally accepted accounting principles for local governments as established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.

Management is responsible for implementing and maintaining a system of internal controls that are designed to provide reasonable assurance that assets are safeguarded, transactions are properly authorized and recorded, and reliable financial information is available on a timely basis for preparation of the financial statements. These systems are regularly monitored and evaluated by management.

These financial statements have been audited by BDO Canada LLP, independent external auditors appointed by the City of Enderby. The following Independent Auditor's Report describes their responsibilities, scope of examination and opinion on the City's financial statements. The auditors have full and free access to the accounting records and Council.



Chief Financial Officer
April 17, 2023



Independent Auditor's Report

To the Mayor and Council of the City of Enderby

Opinion

We have audited the financial statements of the City of Enderby (the City), which comprise the statement of financial position as at December 31, 2022, and the statements of operations, change in net financial assets, and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the City as at December 31, 2022, and the statements of operations, change in net financial assets, and cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the City in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the City's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the City or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the City's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.



As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the City's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the City to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants

Vernon, British Columbia
April 17, 2023

THE CORPORATION OF THE CITY OF ENDERBY

Statement of Financial Position

As at December 31, 2022

	2022	2021
Financial assets		
Cash	\$ 330,606	\$ 1,404,303
Portfolio investments (Note 3)	8,716,726	7,003,319
Accounts receivable (Note 4)	940,903	795,824
Deposit - Municipal Finance Authority (Note 5)	36,627	35,826
	<u>10,024,862</u>	<u>9,239,272</u>
Liabilities		
Accounts payable and accrued liabilities (Note 6)	435,283	478,774
Deferred revenue (Note 7)	1,374,557	1,234,538
Reserve - Municipal Finance Authority (Note 5)	36,627	35,826
Long-term debt (Note 8)	2,156,342	2,271,254
	<u>4,002,809</u>	<u>4,020,392</u>
Net financial assets	<u>6,022,053</u>	<u>5,218,880</u>
Non-financial assets		
Prepaid expenses	73,620	62,167
Tangible capital assets (Note 9)	30,668,260	30,221,003
	<u>30,741,880</u>	<u>30,283,170</u>
Accumulated surplus (Note 10)	<u>\$ 36,763,933</u>	<u>\$ 35,502,050</u>

Contingent Liabilities (Note 13)

Chief Financial Officer



THE CORPORATION OF THE CITY OF ENDERBY
Statement of Operations

For the year ended December 31, 2022

	2022 Budget	2022 Actual	2021 Actual
(Note 19)			
Revenue			
Taxation - net (Note 14)	\$ 2,409,571	\$ 2,378,149	\$ 2,210,680
Grants and subsidies (Note 15)	2,948,450	1,864,419	1,910,274
Sale of services (Note 16)	2,257,070	2,216,588	1,923,027
Other revenue from own sources	75,483	129,016	91,358
Interest and penalties	128,630	198,346	144,224
	<u>7,819,204</u>	<u>6,786,518</u>	<u>6,279,563</u>
Expenses (Note 17)			
General government services	1,155,785	849,505	870,494
Protective services	512,800	462,730	326,308
Transportation services	635,110	1,131,991	1,071,262
Solid waste services	114,000	113,090	101,762
Community development services	40,600	55,252	46,870
Recreational and cultural services	171,900	125,879	167,675
Riverside RV Park & tourism services	215,300	238,073	155,680
Enderby / Area F services	1,028,681	937,639	834,681
Water supply	739,541	871,308	954,470
Sewer services	683,107	726,775	765,693
	<u>5,296,824</u>	<u>5,512,242</u>	<u>5,294,895</u>
Excess revenue over expenses	2,522,380	1,274,276	984,668
Loss on disposal of tangible capital assets	-	(12,393)	(6,962)
Annual surplus	<u>\$ 2,522,380</u>	<u>\$ 1,261,883</u>	<u>\$ 977,706</u>
Accumulated surplus, beginning of year	<u>35,502,050</u>	<u>35,502,050</u>	<u>34,524,344</u>
Accumulated surplus, end of year	<u>\$ 38,024,430</u>	<u>\$ 36,763,933</u>	<u>\$ 35,502,050</u>

THE CORPORATION OF THE CITY OF ENDERBY

Statement of Change in Net Financial Assets

For the year ended December 31, 2022

	2022	2021
Annual surplus	\$ 1,261,883	\$ 977,706
Amortization of tangible capital assets	1,323,610	1,366,788
Change in prepaid expenses	(11,453)	(6,842)
Loss on disposal of tangible capital assets	12,393	6,962
Acquisition of tangible capital assets	(1,783,260)	(1,927,216)
Increase in net financial assets	803,173	417,398
Net financial assets, beginning of year	5,218,880	4,801,482
Net financial assets, end of year	\$ 6,022,053	\$ 5,218,880

THE CORPORATION OF THE CITY OF ENDERBY

Statement of Cash Flows

For the year ended December 31, 2022

	2022	2021
Cash flows from operating activities		
Cash received from:		
Taxation	\$ 2,423,340	\$ 2,266,472
Grants and subsidies	1,754,332	2,020,584
Sale of services and other revenues	2,405,441	2,163,206
Interest received	198,346	144,224
Cash paid for:		
Cash payments to suppliers and employees	(4,142,140)	(4,019,910)
Interest paid	(101,438)	(107,940)
	<u>2,537,881</u>	<u>2,466,636</u>
Financing activities		
Debt repayment	(114,911)	(497,537)
Capital activities		
Purchase of tangible capital assets	(1,783,260)	(1,927,216)
Investing activities		
Increase (decrease) in portfolio investments	(1,713,407)	417,362
Increase (decrease) in cash	(1,073,697)	459,245
Cash, beginning of year	<u>1,404,303</u>	<u>945,058</u>
Cash, end of year	<u>\$ 330,606</u>	<u>\$ 1,404,303</u>

THE CORPORATION OF THE CITY OF ENDERBY

Summary of Significant Accounting Policies

For the year ended December 31, 2022

1. Status of the City of Enderby

The City of Enderby ("the City") is a municipality that was created on March 1, 1905 under the laws of British Columbia. The City provides municipal services such as public works, sewer, water, urban planning, fire protection services, and recreational and cultural services and other general government operations.

2. Significant Accounting policies

a. Basis of accounting

These financial statements have been prepared by management in accordance with Canadian generally accepted accounting principles for governments established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. The financial statements include the accounts of all funds of the City. All interfund transfers have been eliminated. The significant policies are summarized as follows:

b. School taxes

The City is required by *The School Act* to bill, collect, and remit provincial education support levies for properties on behalf of the Province, and school division special levies on behalf of school divisions. The City has no jurisdiction or control over the school division's operations or their mill rate increases. Therefore, the taxation, other revenues, expenses, assets and liabilities with respect to the operations of school boards are not reflected in these financial statements.

c. Portfolio investments

Portfolio investments consist of term deposits in Canadian Chartered Banks and Canaccord Genuity, and deposits with the Municipal Finance Authority pooled investment money market fund and are recorded at cost plus earnings reinvested in the funds, which approximates their quoted market value. These investments have an effective average interest rate of 2.0% (2021 - 1.3%).

d. Deferred revenue

Grants, contributions and other amounts are received from third parties pursuant to legislation, regulation or agreement and may only be used in the conduct of certain programs, in the completion of specific work, or for the purchase of tangible capital assets. In addition, certain user charges and fees are collected for which the related services have yet to be performed. Revenue is recognized in the period when the related expenses are incurred, services performed or tangible capital assets are acquired or constructed.

e. Non-financial assets

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations. The change in non-financial assets during the year, together with the excess of revenues over expenses provides the Change in Net Financial Assets for the year.

i. Tangible capital assets

Capital assets consist of land, buildings, engineering structures, water and sewer infrastructure, roads, and machinery and equipment. Tangible capital assets are recorded at cost which includes all amounts that are directly attributable to the cost, construction, development or betterment of the asset. The cost less residual value, of the tangible capital assets are amortized on a straight line basis over their estimated useful life as follows:

Buildings	20 to 50 years
Engineering structures	15 to 65 years
Machinery and equipment	6 to 30 years
Hydrants	40 years

THE CORPORATION OF THE CITY OF ENDERBY

Summary of Significant Accounting Policies

For the year ended December 31, 2022

Planters	15 to 25 years
Roads	15 to 75 years
Storm system	25 to 80 years
Water mains	50 to 80 years
Water system	15 to 50 years
Sanitary sewer system	5 to 30 years
Sewer mains and lift stations	30 to 80 years

Assets under construction are not amortized until the asset is available for productive use.

ii. Contributions of tangible capital assets

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also are recorded as revenue.

iii. Leases

Leases are classified as capital or operating leases. Leases which transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expenses as incurred.

f. Revenue recognition

Taxation is recognized as revenue in the year it is levied. Sale of services and user fees are recognized when the service or product is provided by the City. Interest and penalties and all other revenue is recognized as it is earned and when it is measurable.

Government grants and transfers are recognized in the financial statements as revenue in the period in which events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria have been met, and reasonable estimates of the amounts can be made. Transfers received for expenditures not yet incurred are included in deferred revenue.

g. Debt charges

Debt charges, including principal, interest and foreign exchange are charged to current operations. Interest charges are accrued for the period from the date of the latest interest payment to the end of the year.

h. Capitalization of Interest

The City capitalizes interest on temporary borrowing until the completion of the project which is to be financed by debenture debt.

i. Reserves

Reserves for future expenditures are included in accumulated surplus and represent amounts set aside for future operating and capital expenditures.

j. Retirement Benefits

The City participates in a multiemployer defined benefit pension plan, however, sufficient information is not available to use defined benefit accounting. Therefore, the City accounts for the plan as if it were a defined contribution plan. As such, no pension liability is included in the City's financial statements and contributions are recognized as an expense in the year to which they relate. All full-time employees are eligible to participate in the plan. Contributions are defined amounts based upon a set percentage of salary.

Employees are entitled to sick leave benefits, accrued monthly, to a maximum of 120 days. Sick leave benefits are not paid out at retirement and can only be taken during the term of employment.

THE CORPORATION OF THE CITY OF ENDERBY

Summary of Significant Accounting Policies

For the year ended December 31, 2022

k. Liability for Contaminated Sites

A contaminated site is a site at which substances occur in concentrations that exceed maximum acceptable amounts under an environmental standard. Sites that are currently in productive use are only considered a contaminated site if an unexpected event results in contamination. A liability for remediation of contaminated sites is recognized when the City is directly responsible or accepts responsibility, it is expected that future economic benefits will be given up and a reasonable estimate of the amount can be made. The liability includes all costs directly attributable to remediation activities including post remediation operations, maintenance and monitoring. The liability is recorded net of any expected recoveries.

l. Government Transfers

When the City is the recipient, government transfers are recognized as revenue in the financial statements when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Transfers are recognized as deferred revenue when transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.

m. Budget Figures

The budget figures are from the Financial Plan Bylaw No. 1747, 2022 adopted May 2, 2022. They have been reallocated to conform to PSAB financial statement presentation. Subsequent amendments, if any, have been made by Council to reflect changes in the budget as required by law.

n. Use of estimates

The financial statements of the City have been prepared by management in accordance with Canadian generally accepted accounting principles as prescribed by the Public Sector Accounting Board. As such, management is required to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. These estimates and assumptions are based on the City's best information and judgment and may differ significantly from actual results. The financial statements have, in the opinion of management, been prepared using careful judgment within the reasonable limits of materiality and within the framework of the accounting policies identified.

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

3. Portfolio Investments

	2022	2021
Municipal Finance Authority - Money market fund	\$ 690,283	\$ 674,045
Credit Union - Term deposits	3,700,069	4,032,187
Canaccord Genuity - Term deposits	4,326,374	2,297,087
	<u>\$ 8,716,726</u>	<u>\$ 7,003,319</u>

The term deposits mature between February 3, 2023 and December 22, 2025 with interest rates varying from 1.3% to 5.5%.

4. Accounts receivable

	2022	2021
Federal Government	\$ 31,501	\$ 22,141
Trade receivables	813,833	633,385
Taxes receivable - current	74,115	98,146
arrears	21,454	42,152
	<u>\$ 940,903</u>	<u>\$ 795,824</u>

5. Reserve - Municipal Finance Authority

The City issues its debt instruments through the Municipal Finance Authority. As a condition of these borrowings, a portion of the debenture proceeds are withheld by the Municipal Finance Authority as a debt reserve fund. The City also executes demand notes in connection with each debenture whereby the City may be required to loan certain amounts to the Municipal Finance Authority. These demand notes are contingent in nature and are not reflected in the accounts. The details of the cash deposits and demand notes at the year end are as follows:

	Demand note	Cash deposits	2022	2021
General fund	\$ 57,010	\$ 36,627	\$ 93,637	\$ 92,836

6. Accounts payable and accrued liabilities

	2022	2021
Trade payables	\$ 233,436	\$ 293,509
Wages payable	201,847	185,265
	<u>\$ 435,283</u>	<u>\$ 478,774</u>

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

7. Deferred revenue

Deferred revenue consists primarily of Development Cost Charges (DCCs), refundable deposits for building permits, conditional grants and prepaid revenues. DCCs are restricted by bylaw in their use for road, drainage, sewer and water expenses and the revenue is deferred until expenses are incurred. Refundable deposits include security deposits and building inspection surcharges that are refundable to the applicant if all conditions of the building permit are completed within 24 months of issuance. Conditional grants are recognized as revenue when all criteria have been met. Prepaid revenues are recognized in the year that the associated fee is levied.

	December 31, 2021	Inflows	Outflows	Interest	December 31, 2022
Development cost charges	\$ 736,783	\$ 57,911	\$ -	\$ 15,403	\$ 810,097
Refundable deposits	173,349	82,939	(47,965)	4,955	213,278
Conditional grants	86,384	64,082	(20,915)	-	129,551
Prepaid revenues	238,022	210,544	(229,166)	2,231	221,631
	\$ 1,234,538	\$ 415,476	\$ (298,046)	\$ 22,589	\$ 1,374,557

8. Long-term debt

Bylaw number	Purpose	Term remaining	% rate	2022	2021
General fund					
1590	Road upgrades	15	2.100	\$ 354,581	\$ 374,729
1544	Road upgrades	14	2.200	326,210	345,771
1525	Road upgrades	13	3.300	215,458	229,246
1494	Storm system upgrade	22	3.150	689,612	710,353
1502	Road upgrades	12	3.150	438,336	469,588
1503	Road upgrades	12	3.150	132,145	141,567
				2,156,342	2,271,254

The municipality is committed to principal requirements, including sinking fund additions, over the next 5 years as follows:

	General fund
2023	\$ 119,208
2024	123,668
2025	128,296
2026	133,099
2027	138,084
2028 and subsequent periods	1,513,987
	\$ 2,156,342

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

9. Tangible capital assets

2022	Historical Cost				Accumulated Amortization				Net Book Value
	Opening	Additions	Disposals	Closing	Opening	Additions	Disposal	Closing	
General fund									
Land	\$ 1,648,517	\$ -	\$ -	\$ 1,648,517	\$ -	\$ -	\$ -	\$ -	\$ 1,648,517
Building sites and parks	2,766,117	-	-	2,766,117	1,818,131	90,082	-	1,908,213	857,904
Engineering structures	944,971	63,591	-	1,008,562	326,289	32,324	-	358,613	649,949
Furniture and equipment	325,767	-	-	325,767	159,072	42,668	-	201,740	124,027
Hydrants	186,643	-	-	186,643	155,262	2,459	-	157,721	28,922
Machinery and equipment	2,478,919	-	-	2,478,919	1,605,699	120,436	-	1,726,135	752,784
Planters	118,329	-	-	118,329	101,975	4,531	-	106,506	11,823
Roads	17,426,985	542,266	86,952	17,882,299	7,496,074	416,192	74,559	7,837,707	10,044,592
Storm system	9,304,400	349,862	57,151	9,597,111	4,323,178	102,338	57,152	4,368,364	5,228,747
Assets under construction	35,486	422,234	-	457,720	-	-	-	-	457,720
	<u>35,236,134</u>	<u>1,377,953</u>	<u>144,103</u>	<u>36,469,984</u>	<u>15,985,680</u>	<u>811,030</u>	<u>131,711</u>	<u>16,664,999</u>	<u>19,804,985</u>
Water fund									
Buildings	966,257	-	-	966,257	695,291	22,264	-	717,555	248,702
Water mains	11,275,575	201,764	34,065	11,443,274	6,604,774	157,562	34,065	6,728,271	4,715,003
Water system	4,132,248	-	-	4,132,248	3,012,036	112,958	-	3,124,994	1,007,254
Assets under construction	-	14,721	-	14,721	-	-	-	-	14,721
	<u>16,374,080</u>	<u>216,485</u>	<u>34,065</u>	<u>16,556,500</u>	<u>10,312,101</u>	<u>292,784</u>	<u>165,776</u>	<u>10,570,820</u>	<u>5,985,680</u>
Sewer fund									
Buildings	133,966	-	-	133,966	60,286	3,350	-	63,636	70,330
Sanitary sewer system	4,900,991	-	-	4,900,991	2,862,834	136,240	-	2,999,074	1,901,917
Sewer mains and lift stations	5,611,239	188,822	8,116	5,791,945	2,829,880	80,207	8,116	2,901,971	2,889,974
Assets under construction	15,374	-	-	15,374	-	-	-	-	15,374
	<u>10,661,570</u>	<u>188,822</u>	<u>8,116</u>	<u>10,842,276</u>	<u>5,753,000</u>	<u>219,797</u>	<u>8,116</u>	<u>5,964,681</u>	<u>4,877,595</u>
	<u>\$ 62,271,784</u>	<u>\$ 1,783,260</u>	<u>\$ 186,284</u>	<u>\$ 63,868,760</u>	<u>\$ 32,050,781</u>	<u>\$ 1,323,611</u>	<u>\$ 139,827</u>	<u>\$ 33,200,500</u>	<u>\$ 30,668,260</u>

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

9. Tangible capital assets - cont'd

2021	Historical Cost				Accumulated Amortization				Net Book Value
	Opening	Additions	Disposals	Closing	Opening	Additions	Disposal	Closing	
General fund									
Land	\$ 1,648,517	\$ -	\$ -	\$ 1,648,517	\$ -	\$ -	\$ -	\$ -	\$ 1,648,517
Building sites and parks	2,659,271	106,846	-	2,766,117	1,725,639	92,492	-	1,818,131	947,986
Engineering structures	868,054	76,917	-	944,971	297,005	29,284	-	326,289	618,682
Furniture and equipment	216,547	119,150	9,930	325,767	134,372	33,803	9,103	159,072	166,695
Hydrants	186,643	-	-	186,643	152,623	2,639	-	155,262	31,381
Machinery and equipment	2,352,179	133,354	6,614	2,478,919	1,497,433	114,880	6,614	1,605,699	873,220
Planters	118,329	-	-	118,329	97,444	4,531	-	101,975	16,354
Roads	16,960,736	638,044	171,795	17,426,985	7,260,847	401,048	165,821	7,496,074	9,930,911
Storm system	9,046,382	319,144	61,126	9,304,400	4,273,822	110,482	61,126	4,323,178	4,981,222
Assets under construction	64,852	-	29,366	35,486	-	-	-	-	35,486
	<u>34,121,510</u>	<u>1,393,455</u>	<u>278,831</u>	<u>35,236,134</u>	<u>15,439,185</u>	<u>789,159</u>	<u>242,664</u>	<u>15,985,680</u>	<u>19,250,454</u>
Water fund									
Buildings	966,257	-	-	966,257	673,027	22,264	-	695,291	270,966
Water mains	10,163,503	1,163,089	51,017	11,275,575	6,456,918	198,873	51,017	6,604,774	4,670,801
Water system	4,132,248	-	-	4,132,248	2,884,896	127,140	-	3,012,036	1,120,212
Assets under construction	815,699	-	815,699	-	-	-	-	-	-
	<u>16,077,707</u>	<u>1,163,089</u>	<u>866,716</u>	<u>16,374,080</u>	<u>10,014,841</u>	<u>348,277</u>	<u>51,017</u>	<u>10,312,101</u>	<u>6,061,979</u>
Sewer fund									
Buildings	133,966	-	-	133,966	56,936	3,350	-	60,286	73,680
Sanitary sewer system	4,900,991	-	-	4,900,991	2,717,430	145,404	-	2,862,834	2,038,157
Sewer mains and lift stations	5,405,186	215,737	9,684	5,611,239	2,758,806	80,598	9,524	2,829,880	2,781,359
Assets under construction	15,374	-	-	15,374	-	-	-	-	15,374
	<u>10,455,517</u>	<u>215,737</u>	<u>9,684</u>	<u>10,661,570</u>	<u>5,533,172</u>	<u>229,352</u>	<u>9,524</u>	<u>5,753,000</u>	<u>4,908,570</u>
	<u>\$ 60,654,734</u>	<u>\$ 2,772,281</u>	<u>\$ 1,155,231</u>	<u>\$ 62,271,784</u>	<u>\$ 30,987,198</u>	<u>\$ 1,366,788</u>	<u>\$ 303,205</u>	<u>\$ 32,050,781</u>	<u>\$ 30,221,003</u>

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

10. Accumulated Surplus

The accumulated surplus consists of individual fund balances and reserves as follows:

Surplus	2022	2021
Invested in tangible capital assets	\$ 28,511,922	\$ 27,949,752
General surplus	3,138,004	2,980,771
Enderby / Area F Joint Services surplus	629,673	528,159
Sewer surplus	1,221,900	1,147,405
Water surplus	531,000	486,370
	34,032,499	33,092,457
 Reserve Funds		
Animal Control	28,292	27,244
Asset Management	231,466	197,545
Capacity Building	94,852	-
Cemetery	50,095	30,972
Computer Equipment	42,211	42,358
Community Works Fund (Gas Tax)	188,295	381,380
Equipment	559,695	481,802
Fire Department	377,387	472,550
Fortune Parks	423,457	261,495
Parks	68,880	54,775
Riverside RV Park	54,960	36,230
Roads	-	77
Sewer System	177,325	89,337
Water System	434,519	333,828
	2,731,434	2,409,593
	\$ 36,763,933	\$ 35,502,050

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

11. COVID-19 Safe Restart Grant

The City received funding from the Province of British Columbia to fund increased operating costs and revenue shortfalls due to COVID-19. The following shows how these funds were expended and the amount available for future years:

	2022	2021
Balance, beginning of year	\$ 684,896	\$ 948,956
Funds received	-	-
Eligible costs incurred:		
Computer and technology costs	(42,372)	(45,344)
Revenue shortfalls	(2,579)	(96,182)
Facility reopening and operating costs	(82,652)	(84,292)
Protective services	(10,633)	(38,242)
Total eligible costs incurred	(138,236)	(264,060)
Balance, end of year	\$ 546,660	\$ 684,896

12. Commitments and subsequent events

- (a) In 2021, the City entered into a contract with Hub Fire Engines and Equipment Ltd. to purchase a pumper/rescue truck for a value of \$760,500. In 2022, the City paid a 50% deposit on the truck. The truck is expected to be completed and delivered by the end of 2023.
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THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

13. Contingent liabilities

- (a) Regional District of North Okanagan: The City is a member of the Regional District of North Okanagan and is liable for its portion of any operating deficits or long-term debt related to functions in which it participates.
- (b) Municipal Insurance Association of BC: Commencing December 31, 1987, the City of Enderby entered into a self insurance scheme with British Columbia municipalities and regional districts. The City is obliged under the scheme to pay a percentage of its fellow insured's losses. The City pays an annual premium, which is anticipated to be adequate to cover any losses incurred.
- (c) Pension Liabilities: The Municipality and its employees contribute to the Municipal Pension Plan (the "Plan"), a jointly trustee pension plan. The board of trustees, representing Plan members and employers, is responsible for administering the plan, including investment of assets and administration of benefits. The Plan is a multi-employer defined benefit pension plan. Basic pension benefits are based on a formula. As at December 31, 2021, the Plan has about 227,000 active members and approximately 118,000 retired members. Active members include approximately 42,000 contributors from local governments.

Every three years, an actuarial valuation is performed to assess the financial position of the plan and adequacy of plan funding. The actuary determines an appropriate combined employer and member contribution rate to fund the plan. The actuary's calculated contribution rate is based on the entry-age normal cost method, which produces the long-term rate of member and employer contributions sufficient to provide benefits for average future entrants to the plan. This rate may be adjusted for amortization of any actuarial funding surplus and will be adjusted for the amortization of any unfunded actuarial liability.

The most recent actuarial valuation for the Municipal Pension Plan as at December 31, 2021, indicated a \$3,761 million funding surplus for basic pension benefits on a going concern basis.

The Corporation for the City of Enderby paid \$85,442 (2021 - \$88,606) for employer contributions to the plan in fiscal 2022.

The next valuation will be as at December 31, 2024 with results available in 2025.

Employers participating in the Plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution pension plan accounting). This is because the plan records accrued liabilities and accrued assets for the plan in aggregate, resulting in no consistent and reliable basis for allocating the obligation, assets and cost to individual employers participating in the plan.

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

14. Taxation

Taxation revenue comprises the following amounts raised less transfers:

	Budget	2022	2021
Taxation			
General municipal purposes	\$ 1,790,626	\$ 1,760,065	\$ 1,602,885
1% utility taxes	68,438	68,446	70,518
Water parcel	292,566	291,917	285,216
Sewer parcel	257,941	257,752	252,046
Collections for other governments			
School District	1,125,934	1,135,140	1,086,174
Policing	168,695	170,206	170,500
Regional District	442,348	446,312	429,901
Regional Hospital District	186,517	188,188	188,999
Municipal Finance Authority	114	147	114
B.C. Assessment Authority	27,125	27,374	25,001
Okanagan Regional Library	111,713	112,721	109,691
	4,472,017	4,458,268	4,221,045
Transfers			
School District	1,125,934	1,135,140	1,086,174
Policing	168,695	170,206	170,500
Regional District	442,348	446,332	429,897
Regional Hospital District	186,517	188,178	188,989
Municipal Finance Authority	114	147	114
B.C. Assessment Authority	27,125	27,374	25,001
Okanagan Regional Library	111,713	112,742	109,690
	2,062,446	2,080,119	2,010,365
	\$ 2,409,571	\$ 2,378,149	\$ 2,210,680

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

15. Government grants and transfers

	Budget	2022	2021
Federal			
Community works fund - Gas tax	\$ 188,331	\$ 188,331	\$ 368,276
Provincial			
Conditional	158,600	151,957	173,528
Fortune Parks - conditional	1,321,400	83,155	97,565
Small communities protection	493,000	623,000	493,000
Street lighting	1,100	1,395	1,090
Water - conditional	-	-	1,616
	1,974,100	859,507	766,799
Other			
Animal control	5,841	18,650	18,175
Cemetery	32,218	49,970	48,730
Fortune Parks	747,960	747,961	708,294
	786,019	816,581	775,199
	\$ 2,948,450	\$ 1,864,419	\$ 1,910,274

16. Sales of Service

	Budget	2022	2021
Animal control	\$ 11,300	\$ 10,918	\$ 11,969
Building permits	46,640	48,089	143,063
Business licenses	16,500	15,825	16,225
Cemetery	19,500	29,237	24,285
Fire protection	502,236	316,723	137,595
Fortune Parks	223,000	260,281	187,750
Garbage collection and disposal	111,489	111,847	108,325
Riverside RV Park & tourism	241,200	289,064	198,206
Sewer user fees	552,607	569,244	534,082
Water user fees	532,598	565,360	561,527
	\$ 2,257,070	\$ 2,216,588	\$ 1,923,027

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

17. Expenses by object

	Budget	2022	2021
Advertising and publications	\$ 15,000	\$ 14,133	\$ 8,172
Amortization	-	1,323,610	1,366,788
Contracted services	801,250	694,847	625,420
Council grants	61,500	57,254	60,093
Insurance	102,050	100,329	90,443
Interest and bank charges	92,856	101,438	107,940
Maintenance	1,285,250	1,161,371	1,071,051
Materials and supplies	1,253,750	407,046	432,980
Professional fees	47,540	40,797	32,639
Salaries and benefits	1,546,500	1,539,700	1,468,339
Training, travel and conferences	96,630	73,888	33,435
Transfers	(5,502)	(2,171)	(2,405)
	<u>\$ 5,296,824</u>	<u>\$ 5,512,242</u>	<u>\$ 5,294,895</u>

18. Funds Held in Trust

The City operates and maintains the Cliffside Cemetery. As required under Provincial legislation, the City holds in trust a Cemetery Perpetual Care Fund for the future maintenance of the cemetery. The City has excluded the trust fund and associated cash from the Statement of Financial Position and related interest earnings and transactions from the Statement of Operations and Accumulated Surplus:

Cemetery Perpetual Care Fund:

	2022	2021
Balance, beginning of year	\$ 242,271	\$ 235,300
Care fund contributions	2,845	3,870
Interest earned	5,428	3,101
	<u>\$ 250,544</u>	<u>\$ 242,271</u>

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

19. Financial Plan

The Financial Plan anticipated use of surpluses accumulated in previous years to balance against current year expenses in excess of current year revenues. The following shows how these amounts were combined:

	<u>2022</u>	<u>2021</u>
Budget surplus per Statement of Operations	2,522,380	1,629,988
Less:		
Capital expenditures	(3,624,500)	(3,163,885)
Debt principal payments	(88,645)	(466,882)
Transfers to reserve funds	(1,590,155)	(1,388,059)
Add back:		
Transfers from accumulated surplus and reserve funds	2,780,920	3,388,838
	<hr/>	<hr/>
Budget surplus per Financial Plan Bylaw	\$ -	\$ -

20. Financial instruments

The City's financial instruments consist of cash, portfolio investments, accounts receivable, accounts payable, deferred revenue, deposits and long term debt. The fair values of these financial instruments approximate their carrying values. It is management's opinion that the City is not exposed to significant interest, currency or credit risks arising from these financial instruments.

21. Comparative figures

Certain comparative figures have been reclassified to conform to the financial presentation adopted for the current year.

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

22. Segmented information

The City of Enderby is a municipality that is responsible for the good government of the community. This includes providing services, laws and other matters for community benefit, as well as providing stewardship of public assets and fostering economic well-being. The City fulfills these responsibilities through a range of services. For management reporting purposes, the City's services are organized and reported by Fund. Funds were created for the purpose of recording specific activities to attain defined objectives in accordance with special regulations, restrictions or limitations.

General Government

General Government is comprised of Executive and Administrative functions. The Executive function includes Mayor and Council, who are responsible for considering the well-being and interests of the municipality and the community, including contributing to the development and evaluation of the policies, programs, and bylaws of the municipality respecting its services, in accordance with governing legislation. The Administrative function is responsible for the overall management of the operations of the municipality and is responsible for ensuring that the policies, programs, and bylaws of Council are implemented. The Administrative function is also responsible for ensuring sound and effective financial management of the municipality, which includes functions such as financial planning, collecting taxes, and the investment of municipal funds.

Protective Services

Protective Services includes fire suppression, prevention and inspection services, community safety services, and emergency management including mitigation and prevention, preparedness, response, and recovery services.

Transportation Services

Transportation Services includes the design, operation, and maintenance of roads and drainage, including street sweeping, line painting, and snow and ice clearing.

Solid Waste Services

Solid Waste Services provides for the collection and disposal of residential solid waste, including curbside collection of garbage and the annual curbside collection of yard and garden waste.

Enderby / Area F Services

Enderby / Area F Services includes Fortune Parks, which is responsible for the administration, stewardship, and operation of park services that are shared with Area F of the Regional District of North Okanagan, including the pool, spray park, ball diamonds, and arena. Other services provided include Animal (Dog) Control within the City and part of Area F, and Cemetery Services for the City and Area F.

Riverside RV Park & Tourism

The Riverside RV Park is a campground operated by the City, which supports tourism and community events, including the operation of the Visitor Centre.

Community Development Services

Community Development Services provides for the City's current and long-range planning functions. Services include land use regulation, subdivision, and planning for future growth in accordance with the needs and goals of the community.

Recreational and Cultural Services

Recreational and Cultural Services provides for the planning, operation, and maintenance of City parks, such as Tuey Park, Belvedere Park, the Riverwalk, Veterans Park, and Johnston Park.

THE CORPORATION OF THE CITY OF ENDERBY

Notes to Financial Statements

For the year ended December 31, 2022

Segmented information (cont'd)

Water Services

Water Services provides for the treatment and distribution of safe, clean drinking water to the citizens of Enderby as well as nearby communities in accordance with the Drinking Water Protection Act and the *Guidelines for Canadian Drinking Water Quality*.

Sewer Services

Sewer Services provides for the collection and treatment of liquid waste, or sanitary wastewater, in accordance with the Environmental Management Act and the City's permit requirements.

The accounting policies used in these segments are consistent with those followed in preparation of the financial statements as disclosed in Note 2. For additional information see the Schedule of Segment Disclosure - Service (Schedule 1).

THE CORPORATION OF THE CITY OF ENDERBY

Schedule of Segment Disclosure - Service

For the year ended December 31, 2022

Schedule I

	General revenue fund									2022
	General Government	Protective Services	Transportation Services	Solid Waste Services	Enderby/ Area F Services	Riverside RV Park & Tourism	Other general Services*	Water Services	Sewer Services	
Revenues										
Taxation	\$ 1,828,480	\$	\$	\$	\$	\$	\$	\$ 291,917	\$ 257,752	\$ 2,378,149
Grants and subsidies	188,331	142,827	624,395		899,736	9,130				1,864,419
Sales of services	63,914	316,723		111,847	300,436	289,064		565,360	569,244	2,216,588
Other revenue from own sources	129,016									129,016
Interest and penalties	185,379				12,967					198,346
	2,395,120	459,550	624,395	111,847	1,213,139	298,194	-	857,277	826,996	6,786,518
Expenses										
Advertising and publications	4,728				7,847	1,558				14,133
Amortization	108,548	71,042	560,122		71,317			292,784	219,797	1,323,610
Contracted services	74,518	155,767		109,958	107,238	65,695	159,676	21,995		694,847
Council grants	2,841				54,413					57,254
Insurance	78,246				21,058	1,025				100,329
Interest and bank charges	93,907				2,141	5,390				101,438
Maintenance	55,441	105,173	401,756		168,275	43,172		193,170	194,384	1,161,371
Material and supplies	36,855	21,641	9,617		109,941	110,637		46,084	72,271	407,046
Professional fees	40,797									40,797
Salaries and benefits	521,466	77,177	265,540	1,632	336,107	4,196	21,455	180,416	131,711	1,539,700
Training, travel and conferences	37,896	31,930	372		1,325			1,745	620	73,888
Transfers	(205,738)		(105,416)	1,500	57,977	6,400		135,114	107,992	(2,171)
	849,505	462,730	1,131,991	113,090	937,639	238,073	181,131	871,308	726,775	5,512,242
Excess (deficiency) of revenue over expenses	1,545,615	(3,180)	(507,596)	(1,243)	275,500	60,121	(181,131)	(14,031)	100,221	1,274,276
Loss on disposal of tangible capital assets	(12,393)									(12,393)
Annual surplus (deficit)	\$ 1,533,222	\$ (3,180)	\$ (507,596)	\$ (1,243)	\$ 275,500	\$ 60,121	\$ (181,131)	\$ (14,031)	100,221	\$ 1,261,883

*Includes Community Development and Recreational and Cultural Services.

THE CORPORATION OF THE CITY OF ENDERBY

Schedule of Segment Disclosure - Service

For the year ended December 30, 2021

Schedule I (cont'd)

	General revenue fund									2021
	General Government	Protective Services	Transportation Services	Solid Waste Services	Enderby/ Area F Services	Riverside RV Park & Tourism	Other General Services*	Water Services	Sewer Services	
Revenues										
Taxation	\$ 1,673,418	\$	\$	\$	\$	\$	\$	\$ 285,216	\$ 252,046	\$ 2,210,680
Grants and subsidies	470,527	66,527	494,090		872,764	4,750		1,616		1,910,274
Sales of services	159,288	137,595		108,325	224,004	198,206		561,527	534,082	1,923,027
Other revenue from own sources	91,358									91,358
Interest and penalties	130,767				4,928				8,529	144,224
	<u>2,525,358</u>	<u>204,122</u>	<u>494,090</u>	<u>108,325</u>	<u>1,101,696</u>	<u>202,956</u>		<u>848,359</u>	<u>794,657</u>	<u>6,279,563</u>
Expenses										
Advertising and publications	3,493				3,166	1,513				8,172
Amortization	98,594	70,828	553,123		66,614			348,277	229,352	1,366,788
Contracted services	97,651	67,887		101,561	98,889	59,464	189,961	9,789	218	625,420
Council grants	5,404				54,689					60,093
Insurance	73,566				15,895	982				90,443
Interest and bank charges	87,127				1,754	3,833			15,226	107,940
Maintenance	40,946	101,198	364,416		120,844	31,774		238,244	173,629	1,071,051
Material and supplies	64,622	585	11,695	105	112,405	52,533		54,222	136,813	432,980
Professional fees	32,639									32,639
Salaries and benefits	514,737	71,965	230,752	96	306,114	2,531	24,584	187,439	130,121	1,468,339
Training, travel and conferences	13,847	13,845	144		2,104			2,666	829	33,435
Transfers	(162,132)		(88,868)		52,207	3,050		113,833	79,505	(2,405)
	<u>870,494</u>	<u>326,308</u>	<u>1,071,262</u>	<u>101,762</u>	<u>834,681</u>	<u>155,680</u>	<u>214,545</u>	<u>954,470</u>	<u>765,693</u>	<u>5,294,895</u>
Excess (deficiency) of revenue over expenses	1,654,864	(122,186)	(577,172)	6,563	267,015	47,276	(214,545)	(106,111)	28,964	984,668
Loss on disposal of tangible capital assets	(6,962)									(6,962)
Annual surplus (deficit)	<u>\$ 1,647,902</u>	<u>\$ (122,186)</u>	<u>\$ (577,172)</u>	<u>\$ 6,563</u>	<u>\$ 267,015</u>	<u>\$ 47,276</u>	<u>\$ (214,545)</u>	<u>\$ 106,111</u>	<u>\$ 28,964</u>	<u>\$ 977,706</u>

*Includes Community Development and Recreational and Cultural Services.

THE CORPORATION OF THE CITY OF ENDERBY

Enderby/Area F Services

For the year ended December 31, 2022

Schedule II

	Fortune Parks	Animal control	Cemetery	2022	2021
Revenue					
Grants and subsidies	\$ 831,116	\$ 18,650	\$ 49,970	\$ 899,736	\$ 872,764
Sale of services	260,281	10,918	29,237	300,436	224,004
Interest and penalties	7,343	1,206	4,418	12,967	4,928
	1,098,740	30,774	83,625	1,213,139	1,101,696
Expenses					
Advertising	7,847			7,847	3,166
Amortization	71,317			71,317	66,614
Contracted services	95,250	11,988		107,238	98,889
Grants	47,413		7,000	54,413	54,689
Insurance	21,058			21,058	15,895
Interest and bank charges	2,141			2,141	1,754
Maintenance	146,517	5,421	16,337	168,275	120,844
Materials and supplies	109,941			109,941	112,405
Salaries and benefits	320,184	1,974	13,949	336,107	306,114
Training, travel and conferences	1,325			1,325	2,104
	822,993	19,383	37,286	879,662	782,474
Annual surplus (deficit)	\$ 275,747	\$ 11,391	\$ 46,339	\$ 333,477	\$ 319,222
Transfer to/from general fund					
Computer support	\$ 8,260	\$	\$	\$ 8,260	\$ 8,030
Finance overhead charges	22,550	3,020	6,600	32,170	30,375
Insurance allocation	4,776		1,000	5,776	4,785
Public works equipment allocation			7,411	7,411	4,777
Lease		4,360		4,360	4,240
	35,586	7,380	15,011	57,977	52,207
Net change in financial assets	240,161	4,011	31,328	275,500	267,015
Opening surplus	300,017	49,285	178,857	528,159	434,469
Capital expenditures	(89,439)			(89,439)	(254,943)
Transfer from (to) reserves	(156,700)	(500)	(18,500)	(175,700)	(10,068)
Amortization	71,317			71,317	66,614
Transfer from general surplus	19,028	464	344	19,836	25,072
Enderby / Area F accumulated surplus	\$ 384,384	\$ 53,260	\$ 192,029	\$ 629,673	\$ 528,159

AGENDA

Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2023 Month: 05

Folder Type	2023 / 05		2022 / 05		2023 to 05		2022 to 05					
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created				
ACCESSORY BUILDING	0	0	0	0	0	0	0	0				
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0				
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0				
DEMOLITION	0	0	34,500	1	0	0	1	0				
END - ACCESSORY BUILDING	0	0	0	0	1	8,259	1	0				
END - COMMERCIAL BUILDING	0	0	0	0	1	100,000	1	0				
END - DEMOLITION	0	0	0	0	0	0	1	0				
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0				
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0				
END - MODULAR HOME	0	0	0	0	0	0	0	0				
END - MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0				
END - PLUMBING	1	0	40,000	1	0	40,000	1	0				
END - RETAINING WALL	0	0	0	0	3	90,000	0	0				
END - SFD W/SUITE	1	2	300,000	1	2	300,000	0	0				
END - SIGN	1	0	0	0	2	1,000	0	0				
END - SINGLE FAMILY DWELLING	0	0	0	3	9	2,633,400	6	4				
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0				
INSTITUTIONAL	0	0	0	0	0	0	0	0				
MANUFACTURED HOME	0	0	0	0	0	0	0	0				
MODULAR HOME	0	0	0	0	0	0	0	0				
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0				
OLD PIMS PERMITS	0	0	0	0	0	0	0	0				
PLUMBING	0	0	0	0	0	0	0	0				
POOL	0	0	0	0	0	0	0	0				
RETAINING WALL	0	0	0	0	0	0	0	0				
SIGN	0	0	0	0	0	0	0	0				
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0				
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0				
Report Totals	3	2	340,000	4	3	575,000	18	8	3,172,659	12	6	2,266,552

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: June 15, 2023
Subject: Mobile Vendor Request – Philly Dogs (Phil Adkins and Isabelle Castella)

RECOMMENDATION

THAT Council grants permission for Philly Dogs (Phil Adkins and Isabelle Castella) to operate as a mobile vendor in the grassy area east of the Water Treatment Plant and at Tuey Park, for the 2023 season, subject to the following conditions:

1. The operator must obtain a City of Enderby Business License;
2. The operator must pay the annual rental fee of \$100;
3. The operator shall be solely responsible for ensuring their vehicular access to the sites; and
4. The operator's use of the land is on an 'as-is' basis, and must not be changed from that state without the express written permission of the City.

BACKGROUND

Attached is a request received from Philly Dogs (Phil Adkins and Isabelle Castella) to operate as a mobile vendor (food cart) in the grassy area east of the Water Treatment Plant (see attached Schedule 'A') and at Tuey Park, for the 2023 season. Photos of Philly Dogs' food cart is attached as Schedule 'B'. The applicant is intending to sell hot dogs, smash burgers, Philly steak sandwiches, grilled cheese sandwiches, beverages and chips. The applicant is seeking to operate from July-September, subject to weather and tourism conditions.

It should be noted that the City has authorized mobile vendors at both of the requested locations in the past.

A potential approval of the request would be subject to the applicant demonstrating compliance with Section 5 (h) of the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 which requires the following of mobile vendors:

Mobile Vendor: No mobile vendor shall operate within the City without first having obtained a license.

All mobile vending units which sell food which is prepared for immediate consumption by the public, including those which may be covered by a flea market, farmers market, or special event license, must have a valid permit as issued by the Provincial Government authority having jurisdiction.

No mobile vendor shall operate on or from any municipally owned property, boulevards or highways unless and until the applicant has provided evidence of:

- i. *Motor Vehicle Liability Insurance with a minimum coverage of \$2,000,000;*

- ii. *Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the City as named insured.*

Every person who operates a mobile vending unit shall be responsible to provide suitable garbage collection containers, and to keep the area around the vending location free of any waste material originating from the vendor's business.

Mobile vending units must be attended by qualified staff at all times when on a site, and must be removed from the location when not staffed.

No mobile vendor shall operate within the City, except for the following conditions:

- i. *when the Zoning Bylaw allows a mobile vendor as a permitted use;*
- ii. *by first obtaining written consent of Council for property, public spaces, boulevards, and highways owned or otherwise controlled by the City;*
- iii. *by first obtaining written consent of the Enderby and District Services Commission for property, public spaces, boulevards, and highways owned or otherwise controlled by the Commission;*
- iv. *by first obtaining written consent from School District #83 for school grounds.*

Staff are recommending that Council grants permission for Philly Dogs to operate as a mobile vendor in the grassy area east of the Water Treatment Plant and Tuey Park, for the 2023 season, subject to the following conditions:

1. The operator must obtain a City of Enderby Business License;
2. The operator must pay the annual rental fee of \$100;
3. The operator shall be solely responsible for ensuring their vehicular access to the sites (i.e. for the grassy area east of the Water Treatment Plant, the operator will need to provide their own form of traffic management to prevent vehicles from blocking the access lane along the southern side of the Water Treatment Plant building which is necessary to gain access to the site); and
4. The operator's use of the land is on an 'as-is' basis, and must not be changed from that state without the express written permission of the City.

The applicant would also be required to comply with all relevant provisions of the City of Enderby Mobile Vendor Policy (attached) as a condition of their Business License.

Respectfully Submitted,



Kurt Inglis
Planner

SCHEDULE 'A'



SCHEDULE 'B'



Policy Title	Mobile Vendor
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Effective Date February 20, 2017	Adopted by Council	Replaces N/A
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PURPOSE: To regulate Mobile Vendors within the City of Enderby in order to provide business certainty, neighbourhood harmony, and administrative efficiency.

POLICY: Mobile Vendors operating within the City of Enderby shall be subject to the following conditions:

1. Mobile Vendors shall operate in accordance with the City of Enderby Zoning Bylaw No. 1550, 2016, as amended from time to time.
2. All Mobile Vendors are required to obtain a business license in accordance with the City of Enderby Business License and Regulation Bylaw No. 1558, 2014, as amended from time to time.
3. The sale of food items from a Mobile Vendor is permitted; however, the sale of all other goods (i.e. crafts, clothing, and other merchandise) is not permitted without prior written permission.
4. Mobile Vendors must submit a written request seeking permission to operate in a specific public space.
5. The authority having jurisdiction may decline to permit a Mobile Vendor's request to operate in a specific public space for any reason that it feels appropriate, but must provide the Mobile Vendor with reasons upon request.
6. The intake for Mobile Vendor requests to operate in a specific public space is from January 1 to March 31 of each year.
7. All Mobile Vendors who are approved to operate in a public space must pay an annual rental fee as specified in the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended from time to time.
8. All Mobile Vendors shall supply their own power source, water source, and method of sanitary disposal; generators are permitted providing that they do not cause a disturbance.
9. Overhead canopies or doors from Mobile Vendors shall not obstruct or hinder pedestrian traffic.

10. Placement of any furniture (i.e. tables, chairs, benches, counters, etc.) associated with Mobile Vendor operations is not permitted without prior written permission.
11. A Mobile Vendor vehicle(s) shall be stored off-site when not in operation; storage of the vehicle on public property is not permitted without prior written permission.
12. All elements associated with the Mobile Vendor and its operations (including line-ups, signs and trash receptacles) shall not cause any obstructions or hazard; a minimum of 1.5 metres (5 feet) of sidewalk as a passageway for pedestrians is required.
13. Mobile Vendors shall not create any disturbance or nuisance in terms of noise, vibration, smoke, dust, odour, air pollution, heat, glare, bright light, hazardous or unacceptable waste. Lights, sounds, or actions which may be a distraction for motorists and/or pedestrians are not permitted.
14. Mobile Vendors may sell their products any time between 7:00 am – 10:00 pm, or at other times with prior written permission.
15. Mobile Vendors shall indemnify and save harmless the City, its officers, employees and elected and appointed officials, from and against all actions, proceedings, claims and demands by any person and to reimburse the City for all damages and expenses caused or contributed to by the negligence or other default of the Mobile Vendor, its servants or agents in respect of anything done pursuant or ostensibly pursuant to the Mobile Vendor's operations.
16. As per the City of Enderby Business License and Regulation Bylaw No. 1558, 2014, Mobile Vendors shall provide evidence of:
 - i. Motor Vehicle Liability Insurance with a minimum coverage of \$2,000,000;
 - ii. Comprehensive Public Liability and Property Damage Insurance for \$2,000,000 inclusive, with the City of Enderby as named insured.
17. The following are the minimum fire safety requirements related to the design, installation, operation, inspection, and maintenance of all mobile vendor commercial cooking operations:
 - i. As per BC Building Code 2012 0 Part 6.2.2.7, fire protection systems for commercial cooking equipment using vegetable oil or animal fat shall conform to ANSI/UL 300 or ULC/ORD-C1254.6;
 - ii. As per BC Fire Code 2012 0 Part 2.6.1.9, the use, inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be in conformance with NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations);

- iii. Cooking equipment used in processes producing smoke or grease-laden vapour shall be equipped with an exhaust hood that complies with NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations);
 - iv. Cooking that produces grease-laden vapour and that might be a source of ignition of grease in the hood, grease removal device or duct shall be protected by fire extinguishing equipment that conforms to NFPA 10 (2007 edition - Portable Fire Extinguishers) and NFPA 17A (2009 edition - Wet Chemical Extinguishing Systems);
 - v. Fire extinguishing equipment shall include both automatic fire extinguishing systems as primary protection and portable fire extinguishers as secondary backup; and
 - vi. The cooking equipment shall conform to the components, installation and maintenance as per NFPA 10 (2007 edition - Portable Fire Extinguishers), NFPA 17A (2009 edition - Wet Chemical Extinguishing Systems), and NFPA 96 (2008 edition - Ventilation Control and Fire Protection of Commercial Cooking Operations).
18. The authority having jurisdiction may set other terms and conditions as it deems appropriate.
19. Failure to meet one or more of the requirements outlined in this policy, or any other laws, regulations or Bylaws, may result in suspension or cancellation of the Mobile Vendor's Business License or withdrawing its permission to occupy the public space, which may be done without notice; should this occur, the Mobile Vendor will be reimbursed the annual rental fee on a pro-rated basis, subject to any fines or outstanding fees and charges.

Proposal: Mobile Food Business
City of Enderby
June 14, 2023

Philly Dogs Catering

Philly Dogs Catering is a mobile food company (cart) that provides easy on-the-go food at mid-range prices. The menu is a particularly good fit for beach and park settings.

We are looking to service the Enderby River Float locals and tourists this summer.

Proposed locations include:

- Tuey Park: parking lot/grassy area closest to beach area
- Belvidere Park: grassy area between parking lot and launch area

We are flexible to the City of Enderby's needs, relying on their experience with respect to traffic and servicing issues specific to the residents and tourists of Enderby.

This service would extend through July, August and September, as weather and tourism allows.

Menu Items include:

- Hot Dogs: Kiddy Dogs and Smokies
- Smash Burgers
- Philly Steak sandwiches
- Grilled Cheese sandwiches
- Beverages (pop, iced tea, water)
- Chips

We have our Interior Health Permit, our Salmon Arm Fire Department permit, and business insurance (\$2,000,000 comprehensive general liability and property damage).

Please, do not hesitate to contact us with regards to any questions or concerns.

We look forward to working with you to add value to the City of Enderby this summer.

Thank you for your consideration,

Phil Adkins,
Isabelle Castella