

**REGULAR MEETING OF COUNCIL
AGENDA**

DATE: June 5, 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: 812 9171 2498
Passcode: 250572*

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 May 15, 2023

Page 4

4. DEVELOPMENT MATTERS AND RELATED BYLAWS

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

Page 15

Legal: LOTS 1, 2, 4-34 DISTRICT LOT 226 KAMLOOPS DIVISION YALE
DISTRICT PLAN EPP125705

Address: 2208-2241 Heitman Street (excluding 2233 Heitman Street) and
2000-2032 Viemount Court, Enderby BC

Applicant: Ron Mandair

Owners: Viewmount Enterprise Ltd., Jagdeep and Jasjit Ladhar, Amandeep Bassi, Balwinder Rai, Varinder Pandher, 1257515 B.C. Ltd., P.A.U. Enterprises Inc., Sarabjit and Harleen Minhas, Blue Gold Homes Ltd.

4.1.1 Public Input – Development Variance Permit #0059-23-DVP-END and #0060-23-DVP-END

4.1.2 Permit Issuance – Development Variance Permit #0059-23-DVP-END

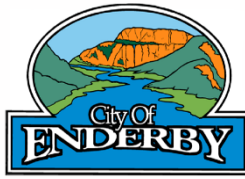
and #0060-23-DVP-END

- 4.2 Development Variance Permit #0058-23-DVP-END Page 29
Legal: LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE
6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN
1702
Address: 186 Salmon Arm Drive, Enderby BC
Applicant: Eric Borhaven
Owners: 0742828 B.C. LTD., INC.NO. BC0742828
1297910 B.C. LTD., INC.NO. BC1297910
- 4.2.1 Public Input – Development Variance Permit #0058-23-DVP-END
- 4.2.2 Permit Issuance – Development Variance Permit #0058-23-DVP-END
5. **CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS**
6. **BYLAWS**
- 6.1 Update to Public Notice Advertising Fees for Development Applications – Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1771, 2023 (Adoption) Page 46
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
8. **NEW BUSINESS**
- 8.1 Proposed Code of Conduct Page 49
Memo prepared by Chief Administrative Officer dated May 23, 2023
- 8.2 UBCM 2023 Provincial Meeting Requests and Attendance Page 62
Memo prepared by Chief Administrative Officer dated May 24, 2023
- 8.3 Community Futures Q1 Update Page 64
- 8.4 Temporary Road Closure Application – Canada Day Parade 2023 Page 72
Memo prepared by Planner dated May 31, 2023
9. **NOTICES OF MOTION**
- 9.1 Notive of Motion (Councillor Ramey): Prohibition on the Use of Illegal Drugs in Public Spaces Page 75
Memo prepared by Chief Administrative Officer dated May 30, 2023
10. **PUBLIC QUESTION PERIOD**

11. CLOSED MEETING RESOLUTION

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

12. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, May 15, 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 Schreiner, seconded by Councillor Baird
“THAT the May 15, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of May 1, 2023

Moved by Councillor Ramey, seconded by Councillor Shishido
“THAT the May 1, 2023 Council Meeting minutes be adopted as circulated.”

CARRIED

Public Hearing Report May 1, 2023

Moved by Councillor Ramey, seconded by Councillor Shishido
“THAT the May 1, 2023 Public Hearing Report be adopted as circulated”

CARRIED

DELEGATIONS**Randene Wejr, Chief Executive Officer and Laurie Case, Executive Director, Turning Points Collaborative**

Ms. Wejr and Ms. Case gave an overview of the 2021-2022 Impact Report as well as the functions of Turning Points. Some key points are listed below:

- Turning Points is a non-profit started in 1957 that provides housing and addiction services.
- Owns 30 project sites including three affordable housing sites in Enderby.
- Also provides shelters, supportive housing, and outreach services.
- Turning Points purchased properties in Enderby in order to preserve affordable housing.
- Bill's Place Program is the most successful addiction treatment program in the country with a success rate three times the national average.

Councillor Schreiner asked if Turning Points is looking for more properties in the area.

Ms. Wejr responded that they are always looking for properties that are large enough to accommodate high density. This can be a challenge in the Enderby area.

Councillor Baird asked what the plans are for Pioneer Place when the complex reaches the end of its life.

Ms. Wejr responded that Pioneer Place is in exceptional condition for its age and is expected to last another 15 years. Noted that this will be a site that is considered for higher density housing at that time.

Councillor Ramey noted that certain affordable housing projects in other communities have become problematic to surrounding neighbourhoods. Asked what safeguards are in place to protect neighbours.

Ms. Wejr responded that Turning Points forms a Community Advisory Committee including RCMP, community bylaw, neighbours, and often City Hall representatives to work with when developing or managing an affordable housing project, so that neighbourhood concerns are heard and addressed quickly and effectively.

Ms. Case added that residents in Turning Points housing are held to a "Good Neighbour" Agreement and that there are managers on-site for accountability.

Turning Points team members also walk through the surrounding community regularly to check in with neighbours and keep the community clean.

Councillor Shishido asked if Turning Points has seen any change since the decriminalization of possession of drugs that occurred in January.

Ms. Wejr responded that they have not seen any effect.

Mayor Galbraith asked if there has been an increase in the toxic drug supply.

Ms. Wejr responded that there has been an increase since the pandemic.

Mayor Galbraith asked if information on how their programs are run is available to other organizations.

Ms. Wejr responded that that Turning Points mentors other organizations.

Councillor Ramey asked what the requirements are to qualify for affordable housing in Enderby.

Ms. Wejr replied that a person must meet a threshold to be considered low income. Potential residents are thoroughly vetted.

Councillor Schreiner asked if the affordable housing projects in Enderby are full.

Ms. Wejr confirmed that they are full.

Ms. Wejr added that Turning Points is a go-to agency for BC Housing as well as Ministers who have toured their facilities.

DEVELOPMENT MATTERS AND RELATED BYLAWS

Development Variance Permit #0056-23-DVP-END

The planner gave an overview of the application.

There were no written submissions. No members of the public wished to make representation.

Moved by Councillor Baird, seconded by Councillor Shishido

“THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 26097 and located at 500 Bass Avenue, Enderby BC, to permit a variance to Section 310.4.b of the City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum copy area for a wall sign from 45% of the sign area to 64% of the sign area.”

CARRIED

Mayor Galbraith declared a conflict of interest by reason of the developer being his employer and left the meeting (4:56 p.m.).

Councillor Baird assumed the chair.

Development Variance Permit #0057-23-EVP-END

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

Lianne and Darwin Dwornik, 409 Bass Avenue, Enderby BC

- Opposed to the application.
- Concerned about the construction of secondary suites and the potential number of families living in the development.
- Drainage concerns.

- Concerned about the aesthetic of large houses on small lots.
- Parking concerns.
- Concerns about difference in grade between the new lots and neighbouring properties.
- Concerns about losing view.

Philip and Angela Gallant, 501 Bass Avenue, Enderby BC

- Opposed to the application.
- Concerned about reduced privacy and views.

Jason Zebedee, 315 Bass Avenue, Enderby BC

- Opposed to the application.
- Concerns about loss of privacy and decreased property value.
- Concerns about new houses blocking sunlight to his garden.

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

- Opposed to the application.
- Concerns about privacy.
- Request that the developer erects a fence around the boundaries of the new properties.
- Concerns about difference in grade between the new lots and neighbouring properties.
- Concerned that lots are not being advertised in Enderby.

Lesley and Mark McGuire, #1-405 Bass Avenue, Enderby BC

- Opposed to the application.
- Concerns about difference in grade between the new lots and neighbouring properties.
- Concerns about loss of views and privacy.

Chris Gilburg and Lori Schneider Wood, 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.
- Concerned about inconsistency with surrounding neighbourhood.
- Concerns that the subdivision does not align with the Official Community Plan and North Okanagan Regional Growth Strategy.

Stephen and Valerie Zeron, 2201 McGowan Street, Enderby BC

- Opposed to the application.
- Concerns about loss of privacy.
- Concerns about crowding of homes on the small lots.

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

Stephen Zeron, 2201 McGowan Street, Enderby BC

Asked Council if they were aware when this subdivision was approved that the developer would be coming back with this request for variance. Noted it should not be acceptable for the developer to be making changes at this stage.

Chairperson Baird responded that they were not aware that this request would be coming forward at the time when the subdivision was approved.

Chairperson Baird invited the applicant to make representation.

Ron Mandair, Applicant

Stated that he does not believe that the new homes will infringe on the privacy of neighbouring properties.

Explained that this variance would only allow the single-family dwellings in the development to be subject to the same setbacks as single-family dwellings on properties neighbouring the development and will create consistency with the surrounding neighbourhood.

The reduced setbacks will allow builders more creativity and variation in floor plans for the houses that will be built.

Valerie Zeron, 2201 McGowan Street, Enderby BC

Asked about parking requirements, maximum building heights, and the types of houses that will be allowed to be built within the development.

The Planner responded that the owners will have to demonstrate adequate parking on the lots at the building permit stage. The maximum height of homes will be 9 metres or two stories, which is the same maximum height as single-family homes in the surrounding neighbourhood. Also explained that manufactured homes would be allowed on these lots, but that mobile homes are prohibited outside of the mobile home park zone.

Mr. Mandair explained that this variance request has been brought forward based on input from builders.

Chief Administrative Officer asked the Planner how long the parcel has been zoned R.2.

The Planner responded that this land has been zoned R.2 since at least 2012, meaning that the land could be used entirely for duplexes, although that is not the intent of this development application, which is proposing a lower form of density.

Councillor Shishido asked the Planner if the new homes will be built at a higher elevation than the existing homes.

The Planner explained that the homes will have to be built at a certain elevation because they are located within the 200-year flood plain. He further explained that surrounding homes would have been required to be built at this elevation as well, if they were located within the 200-year flood plain.

Chief Administrative Officer described road elevations on Bass Avenue relative to the newly constructed roads that are part of the development, and how the changes in elevation inform driveway and landscape tie-ins.

Councillor Shishido stated that developers are not held to the designs that they bring before Council.

The Planner explained that the developer can change plans throughout the development process as long as the development meets bylaw requirements. Council's role is to set the bylaw requirements.

Councillor Ramey stated that he does not believe this will be good for the community, noting concerns about street parking, and expressed that the developer knew the setback requirements when the subdivision application was being processed.

Councillor Davyduke asked if, on the few lots that are large enough to build duplexes, the setbacks will remain 8 metres if duplexes are built.

The Planner confirmed that duplexes will still need to be set back 8 metres. Explained that the proposed 6 metre setbacks for single family dwellings is consistent with the homes already built on Bass Avenue, Heitman Street, and McGowan Street.

Councillor Ramey asked the size of the lots within the development.

The Planner responded that the smallest lot is 425 m², but that most lots in the subdivision are sized around 450 m² which is consistent with the minimum lot area in the R1-A zone.

Councillor Ramey asked about the new homes being single-family dwellings if they are built with secondary suites.

Chief Administrative Officer clarified that secondary suites are allowed in all residential zones and a secondary suite does not change the status of the single-family dwelling.

Chairperson Baird asked about the prices of the lots.

Mr. Mandair responded that lots start at \$240,000 and the larger lots are priced at \$299,000.

Councillor Davyduke asked about the parking requirements for single-family dwellings.

The Planner responded that at the building permit stage, the owner will have to demonstrate that there are two off-street parking spaces, or three if the building includes a secondary suite.

Councillor Ramey asked about drainage plans for the new lots.

Chief Administrative Officer responded that an engineered drainage plan was a requirement of subdivision. Explained that the road has been build with oversize detention pipes to hold water during a storm event, and that every lot will be built with a drainage pit in the rear.

Councillor Ramey asked what the consequences are of not approving the variance.

The Planner responded that the dwellings will likely be built smaller, and in some cases will be built up rather than out.

Mr. Mandair responded that the 8 metre setbacks limit how much of the land can be used. Explained that this limits builders in terms of floor plans.

Chairperson Baird asked if Council could approve the change to front setbacks, and not approve rear setbacks.

Chief Administrative Officer responded that this would require a separate application.

Chairperson Baird asked if the owners of individual lots could apply for variances during the building process.

Chief Administrative Officer responded that this is an option, but may create an inconsistent look in the neighbourhood.

Moved by Councillor Shishido, seconded by Councillor Schreiner

“THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as LOTS 1,2,4-34 District Lot 226 KAMLOOPS DIVISION YALE DISTRICT PLAN EPP125705 and located at 2208-2241 Heitman Street (excluding 2233 Heitman Street) and 2000-2032 Viewmount Court, Enderby BC, to permit a variance 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 (16.25 feet) to 6 m (19.68 feet).”*

DEFEATED
OPPOSED Unanimously

Mayor Galbraith returned to the meeting (5:58 p.m.).

BYLAWS

Public Notice Bylaw No. 1770, 2023 – Alternative Means of Publication for Public Notices (Adoption)

Moved by Councillor Schreiner, seconded by Councillor Baird

“THAT Council adopts City of Enderby Public Notice Bylaw No. 1770, 2023”

CARRIED

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

Moved by Councillor Davyduke, seconded by Councillor Baird

“THAT Council give Three Readings to 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 has started for the Canada Day event.

Friday Night Lights date has been set for August 18th.

Attended the Veterans Lunch at the Legion. Noted that there was a great turn out for the Legions 95th Anniversary.

Attended Lynda Megli's exhibit at the Enderby Arts Centre.

Suggested that the feature tree on Cliff Avenue may need some fertilizer.

Councillor Ramey

Working on planning a Music by the River event. An announcement will be coming soon.

Will be attending an Okanagan Regional Library meeting this week.

Councillor Schreiner

Will be attending the A.L. Fortune Wall of Fame ceremony on Wednesday.

Looking forward to the Business After 5 event at the Museum.

Councillor Yerhoff

Attended a FACT meeting. The bags of growing medium from behind the Harvest Hut have been decommissioned for the construction of the Rail Trail and plants are being distributed to local residents.

Attended a FED meeting. Things are going well and the Farmers Market coupon program will continue this year.

Attended the Mother's Day Event at the Lions Gazebo. It was well attended.

Councillor Davyduke

The FACT Committee is looking into a food infrastructure grant.

The Public Health Nurse is running Baby Talk classes at the Enderby Health Centre every Monday. There is also a Kindergarten Health Workshop coming up for children aged 4-6.

The Enterprize Challenge final pitches will be happening on May 18th at the Vernon Performing Arts Centre.

Councillor Shishido

The Museum is working on getting their new server up and running.

Asked if there is a water connection close to the Musebo to which they could connect to clean the contents of the Musebo. The Chief Administrative Officer described where the standpipe nearest to the Musebo is located inside of Barnes Park.

The revised History of Enderby will be published as one large book. The Museum asked if the City would buy copies of the book to have on hand.

On August 20th, the Museum will be hosting a volunteer appreciation event.

Firetruck restoration is ongoing and the Museum has reached one-third of its fundraising goal for the project.

Met with Mayor Cramer of the City of Armstrong.

Reported that he has received feedback from other municipalities that Enderby staff is great to work with.

Mayor Galbraith

Delivered a card to Grahame Go, Executive Director for the Splatsin Development Corporation, with respect to the exterior improvements that came with the switch to Canco as the fuel retailer.

Chief Administrative Officer

Peacher Crescent has received substantial completion and looks good overall.

Geotechnical drilling for the reservoir #1 rebuild will be occurring later this week. The access road improvements have all been completed and approved by Fortis.

Street sweepers returned on Thursday and Friday of last week to finish areas that were missed during their April visit due to weather. Working on coordinating to get line painting done.

There were two water breaks on George Street on consecutive days last week. Water breaks on Highway 97A are unique challenges as the City has a lot of dated water infrastructure under the road.

The pool is being filled today and tomorrow, so that we can start balancing the chemicals in preparation for the pool opening date on May 23rd. The pool is celebrating its 70th birthday this year.

The spray park was opened early due to the unseasonal heat.

The Tuey Park gate will likely be closed this week due to the rising river levels. It will be re-opened after the water levels recede.

Council Inquiries

Councillor Davyduke asked about status of the design of the new pool.

Chief Administrative Officer responded that the rebudgeting is complete and the value engineering is being evaluated. Once the evaluation has been completed, a memo will be prepared for the Services Commission outlining a range of options that will include reducing service levels and increasing financing.

Councillor Ramey asked about the status of the Rail Trail section through Enderby.

Chief Administrative Officer responded that the owners are putting the project out for tender.

RDNO Building Permit Report – April 2023

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the RDNO Building Permit Report – April 2023 be received and filed.”

CARRIED

Bylaw Enforcement Statistics for First Period of 2023 (January-April)

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT Council receives the Bylaw Enforcement Statistics for First Period of 2023 (January-April) memorandum for information.”

CARRIED

NEW BUSINESS

Restorative Justice Funding

Councillor Ramey asked how this program is administered, and asked if it is used by Enderby.

Chief Administrative Officer responded that the RCMP consult with the person harmed and the person who caused harm, and, if appropriate, refers the matter to the Restorative Justice program. He confirmed that this program has been used by Enderby residents.

Councillor Shishido asked if this should be a provincially funded program.

Chief Financial Officer responded that many local governments support the program, but feel it should be funded by the provincial government, as it takes pressure off of the justice system.

Councillor Shishido asked if the Restorative Justice program was useful.

The Chief Administrative Officer said that, in the right circumstances, it absolutely is useful.

Moved by Councillor Schreiner, seconded by Councillor Baird
“THAT Council does not provide an annual grant to the Canadian Mental Health Association to fund restorative justice as the service is a responsibility of the provincial government.”

CARRIED

OPPOSED Mayor Galbraith
Councillor Shishido

Business After 5 Supporting Contribution

Moved by Councillor Baird, seconded by Councillor Davyduke

*“THAT the City of Enderby co-sponsors the Enderby “Business After 5” event on May 17, 2023;
AND THAT a co-sponsorship contribution valued at \$300 be provided to the event organizer,
Community Futures of North Okanagan.”*

CARRIED

Splatsin Development Corporation Golf Tournament Fundraiser

Moved by Councillor Schreiner, seconded by Councillor Davyduke
*“THAT the invitation to the Splatsin Development Corporation Golf Tournament Fundraiser be
received and filed.”*

CARRIED

Councillor Yerhoff and Councillor Schreiner agreed to represent Enderby City Council at the
Splatsin Tsm7aksaltn (Splatsin Teaching Centre) Society Annual Golf Tournament Fundraiser.

CORRESPONDENCE AND INFORMATION ITEMS

Ministry of Post-Secondary Education and Future Skills

Moved by Councillor Baird, seconded by Councillor Davyduke
*“THAT Council receives and files correspondence from Honorable Selina Robinson, Minister of
Post Secondary Education and Future Skills dated May 2, 2023.”*

CARRIED

ADJOURNMENT

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the regular meeting of May 15, 2023 adjourn at 6:46 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File Nos.: 0059-23-DVP-END
0060-23-DVP-END

May 31, 2023

APPLICANT: Ron Mandair

OWNERS: Viewmount Enterprise Ltd.
Jagdeep and Jasjit Ladhar
Amandeep Bassi
Balwinder Rai
Varinder Pandher
1257515 B.C. LTD.
P.A.U. Enterprises Inc.
Sarabjit and Harleen Minhas
Blue Gold Homes Ltd.

LEGAL DESCRIPTIONS: LOTS 1,2,4-34 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT PLAN EPP125705

P.I.Dsp #: 031-891-331 031-891-357 031-891-365 031-891-373 031-891-381 031-891-390 031-891-403 031-891-411 031-891-420 031-891-438 031-891-446 031-891-454 031-891-462 031-891-471 031-891-489 031-891-497 031-891-501 031-891-519 031-891-527 031-891-535 031-891-543 031-891-551 031-891-560 031-891-578 031-891-586 031-891-594 031-891-608 031-891-616 031-891-624 031-891-632 031-891-641 031-891-659 031-891-667

CIVIC ADDRESS: 2208-2241 Heitman Street (excluding 2233 Heitman Street) and 2000-2032 Viewmount Court, Enderby BC

PROPERTY SIZES: 424.6 m² (4,570 square feet) – 825.8 m² (8,889 square feet)

ZONING: Residential Two Family (R.2)

O.C.P DESIGNATION: Residential Low Density

PROPOSAL: Construct single-family dwellings

PROPOSED VARIANCES: i) Reduce the minimum front yard setbacks for single-family dwellings on Lots 1,2,4-9, 28-34; and
ii) Reduce the minimum front and rear yard setbacks for single-family dwellings on Lots 10-27

RECOMMENDATION:

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).

BACKGROUND:

This report relates to two Development Variance Permit applications which form a comprehensive variance request for the 34-lot subdivision shown on the attached Schedule 'A'. The applicant previously submitted a Development Variance Permit application seeking to reduce the minimum front and rear yard setbacks for single-family dwellings for all of the subject properties. That variance request was denied by Council after considering public input. The applicant has submitted a new variance request which has been modified in response to the neighbourhood concerns expressed when the previous application was considered by Council.

Development Variance Permit 0059-23-DVP-END relates to 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 (the "Perimeter Lots") and seeks a variance to Section 603.10.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce ONLY the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet).

Development Variance Permit 0060-23-DVP-END relates to 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 (the "Internal Lots"), and seeks 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).

Site Context:

The subject properties were recently created through a 34-lot subdivision of a 5.63 acre parcel. The properties range in size from 424.6 m² (4,570 square feet) – 825.8 m² (8,889 square feet). The adjacent roadways are currently under construction; the subdivision was permitted to be completed while construction is ongoing, with the City receiving security to guarantee the work. All of the properties, except for Lot 34, are located within the 1:200-year floodplain.

The subject property and several properties to the south are zoned Residential Two Family (R.2) and are designated in the OCP as Residential Low Density. The properties to the east, southeast and a single property to the south are zoned Residential Single Family (R.1) and are designated in the OCP as Residential Low Density. The properties to the north are zoned Country Residential (C.R) and are designated in the OCP as Agricultural. The properties to the west are zoned Light Industrial (I.1) and are designated in the OCP as Light Industrial.

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

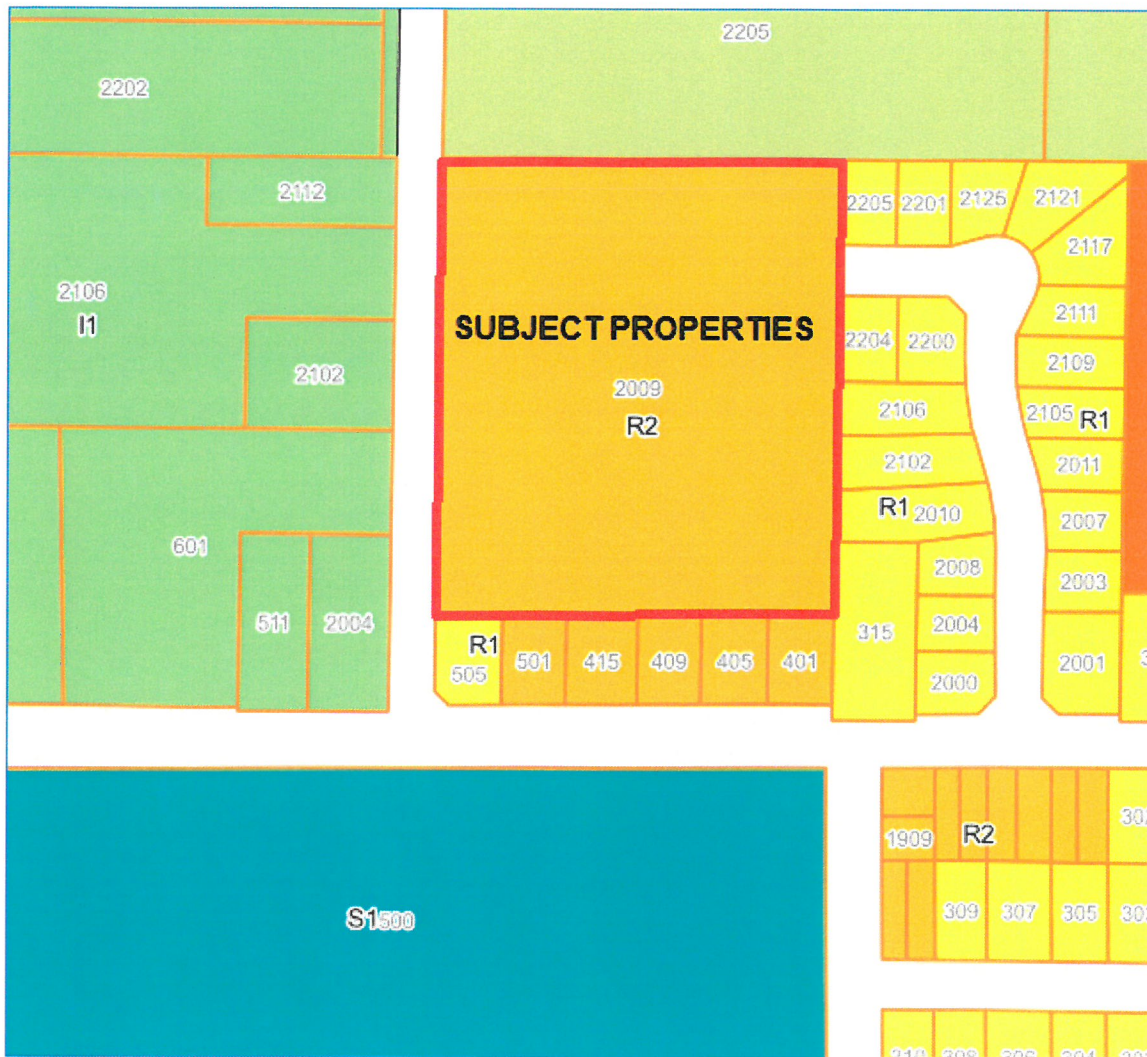


Figure 1: Zoning Map

Orange – Residential Two Family (R.2)
Light Green – Country Residential (C.R)
Teal - Assembly, Civic and Public Service (S.1)

Yellow – Residential Single Family (R.1/R.1-A)
Green – Light Industrial (I.1)

The following orthophoto of the subject and surrounding properties was taken in 2022:

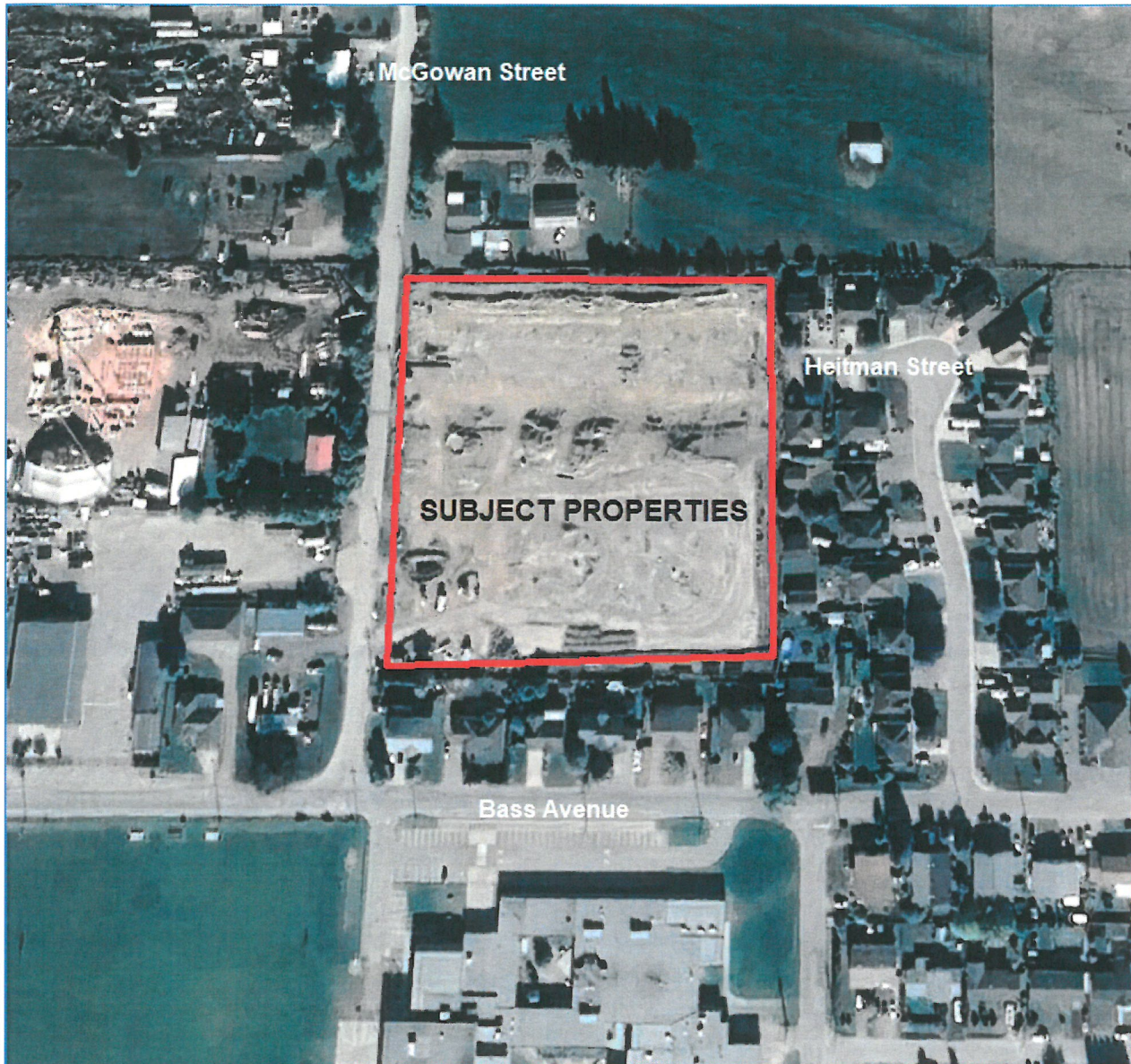


Figure 2: Orthophoto

The Proposal

The applicant has submitted two separate Development Variance Permit applications which form a comprehensive variance request for the 34-lot subdivision shown on the attached Schedule 'A'.

Perimeter Lots

Development Variance Permit Application 0059-23-DVP-END requests to vary Section 603.10.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing ONLY the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet), 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. The previous Development Variance Permit application requested variances to reduce both the minimum front and rear yard setback areas for single-family dwellings on the Perimeter Lots, however there were concerns from the neighbourhood with respect to privacy and views for adjacent properties on Bass Avenue and the large agricultural property to the north. In response to these concerns, the current application only proposes to reduce the minimum front yard setback area for single-family dwellings on the Perimeter Lots, and not the rear year setback area.

The Perimeter Lots associated with Development Variance Permit Application 0059-23-DVP-END are highlighted in the map below:

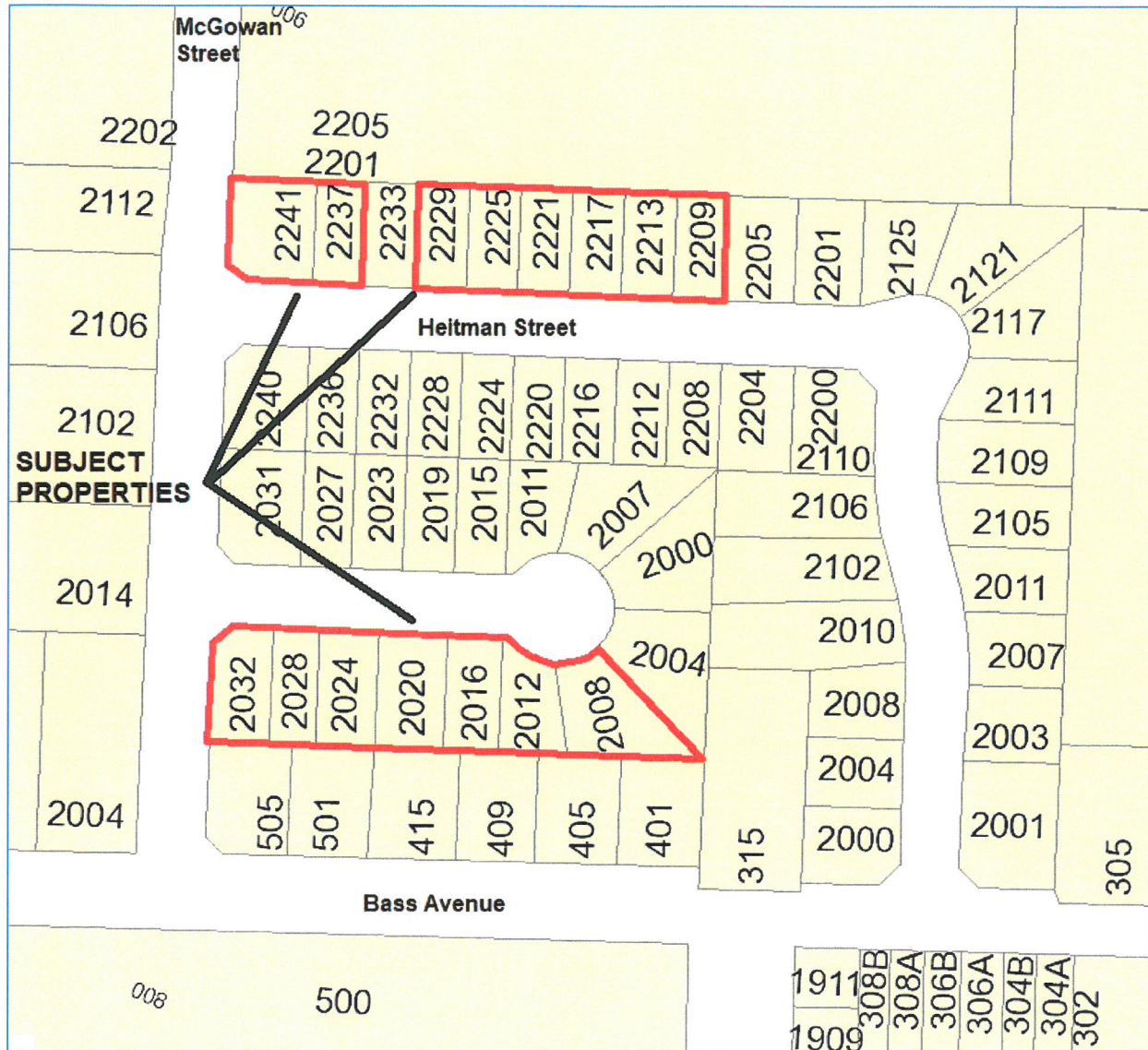


Figure 3 – Perimeter Lots

Internal Lots

Development Variance Permit Application 0060-23-DVP-END requests to vary 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),

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. The previous Development Variance Permit application involved the same variance requests for the Internal Lots, however, given that the neighbourhood concerns expressed at the Council meeting where that application was considered largely related to impacts to privacy and views for the adjacent properties on Bass Avenue and the large agricultural property to the north, and the Internal Lots are not adjacent to the rear of these properties, the applicant is requesting to reduce both the minimum front and rear yard setback areas for single-family dwellings on the properties.

The Internal Lots associated with Development Variance Permit Application 0060-23-DVP-END are highlighted in the map below:

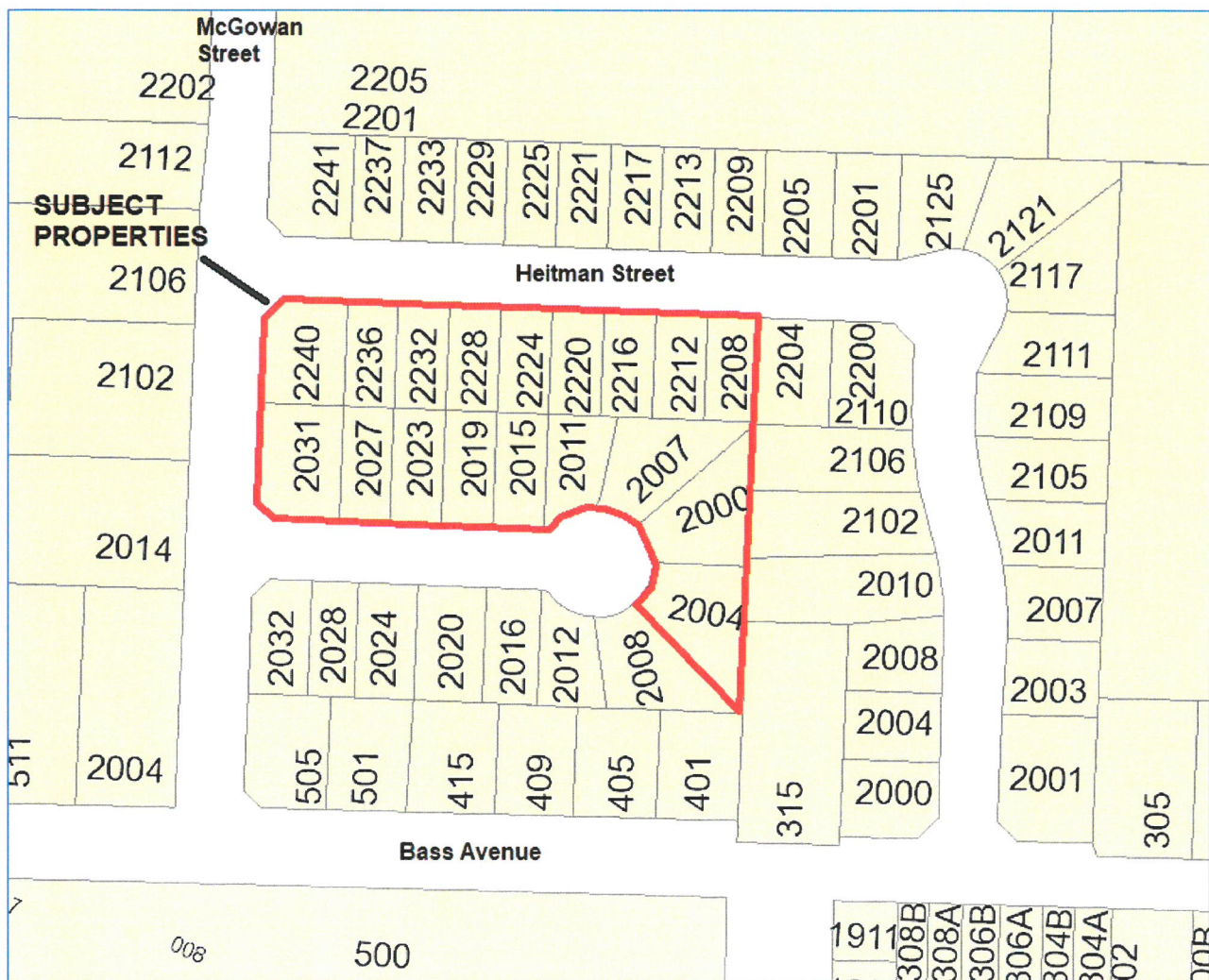


Figure 4 – Internal Lots

ZONING BYLAW:

The subject properties are currently zoned Residential Two Family (R.2); uses permitted within this zone include:

- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing, and personal care homes;
- Restricted agricultural use;
- Single family dwellings;
- Two family dwellings;
- Attached secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

The minimum lot area provisions for the R.2 zone are as follows:

- a. 450 m² (4,844 square feet) for single-family dwellings; or
- b. 700 m² (7,535 square feet) for two-family dwellings; or
- c. 560 m² (6,028 square feet) for convalescent, nursing, and personal care home use; or
- d. 350 m² (4,036 square feet) for each half of a two-family dwelling subdivided as per Section 603.10.e of the Zoning Bylaw.

A Zoning Text Amendment was authorized in 2021 which reduced the minimum lot size for single-family dwellings on the subject properties from 450 m² (4,844 square feet) to 350 m² (3,767 square feet). Although the applicant had the ability to develop lots down to 350 m² (3,767 square feet), all of the lots are larger than the minimum lot size as varied; a breakdown the actual areas of the subject properties is as follows:

Lot Size	Number of Lots	Percent Reduction Compared to Original 450 m² Minimum Lot Area
*424 m ² – 439 m ²	6	3.6%
**440 m ² – 449 m ²	10	2.2%
450 m ² – 699 m ²	11	-
700+ m ²	7	-

The R:2 zone’s maximum lot coverage for buildings and structures is 50% of the lot area, which is intended to limit the footprint of buildings and structures. It should be noted that even if variances are authorized to reduce minimum building setbacks, the 50% maximum lot coverage requirement cannot be exceeded, unless otherwise varied.

In 2021, the applicant received an exemption to Section 603.8.a. of the City of Enderby Zoning Bylaw in order to reduce the minimum lot frontage for single-family dwellings from 15 m (49.21 feet) to 12 m (39.37 feet). Of the 34 lots in the subdivision, 26 have a lot frontage of at least 14.70 m (48.23 feet) which represents a 2.0% reduction in lot frontage from the original 15 m (49.21 feet) minimum. Four of the 34 lots have a lot frontage of 12 m (39.37 feet); all 4 of which being the large, pie-shaped lots located at the end of the cul-de-sac on Viewmount Court (2000, 2004, 2007 and 2008 Viewmount Court), which range in size from 742.4 m² to 825.8

m²; it is common for lots fronting a cul-de-sac to require lot frontage exemptions, as cul-de-sac layouts require lots to be narrower in the front and wider in the back.

OFFICIAL COMMUNITY PLAN:

The following policies from the City of Enderby Official Community Plan relate to this development:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.
- 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.

REFERRAL COMMENTS:

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

No comments of concern were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to:

- Vary 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), for the Perimeter Lots associated with Development Variance Permit 0059-23-DVP-END; and
- Vary Section 603.10.b.i and 603.10.d.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum front and rear yard setback areas for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet), for the Internal Lots associated with Development Variance Permit 0060-23-DVP-END.

Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of Development Variance Permits for the following reasons:

Front Yard Setbacks

- The subject properties are in a unique situation in that they represent the only R.2 zoned neighbourhood in the City, with R.2 zoning traditionally only occurring at the individual parcel level and blended into single-family dwelling neighbourhoods. In this case, the parent parcel from which the subject properties were created was zoned R.2, thus when the parent parcel was subdivided, the newly created lots also inherited the R.2 zoning designation. However, the subdivision is developing largely

as a single-family neighbourhood, except for 3 of the 34 lots which have sufficient lot area and frontage to accommodate a two-family dwelling (i.e. minimum 700 m² lot area and 23 m of frontage). The proposed front yard setback variance allows the properties to develop in a manner that is consistent with the front yard setbacks for single-family dwellings in all other residential zones.

- The purpose of requiring single-family dwellings in the R.2 zone to have 8 m (26.25 foot) front yard setbacks is to align them with the setback standard for two-family dwellings, thus providing consistency in the built environment. In this case the subject properties are located within an existing single-family neighbourhood where many of the single-family dwellings have a 6 m (19.68 foot) front yard setback; the requested variance creates consistency in the built environment between the new development and surrounding neighbourhood.
- The Zoning Bylaw specifies the minimum length of an off-street parking space to be 6 m (19.68 feet), therefore reducing the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet) would not impact the ability of a property to accommodate off-street parking spaces within the front yard setback area. Notwithstanding this, each of the subject properties have an adjacent boulevard area ranging in depth from 2.5 m (8.2 feet) to 4 m (13.1 feet) through which the driveway crossings will extend. A building permit will not be issued until an applicant demonstrates that a proposed development meets the minimum number of required off-street parking spaces (2 spaces for a single-family dwelling, plus 1 space for a secondary suite). It is not anticipated that reducing the minimum front yard setback for the subject properties to the same degree as other zones would result in novel parking concerns; moreover, requiring a developer to provide driveway lengths in excess of that specified under the Zoning Bylaw, without a valid design rationale linked to the particular characteristics of the development, would likely be unreasonable.

Rear Yard Setbacks

- The majority of the neighbourhood concerns expressed at the Council meeting where the previous Development Variance Permit application was considered focused on the reduced rear yard setbacks for the Perimeter Lots; the neighbourhood stated that reduced rear yard setbacks may impact privacy and views for the adjacent properties along Bass Avenue and the large agricultural property to the north. In response to these concerns, the applicant has revised their proposal such that they are only seeking a reduction to the minimum front yard setback area for the Perimeter Lots, with the 8 m (26.25 foot) minimum rear yard setback to be retained; this modification intends to address those concerns.
- The subject properties are in a unique situation in that they represent the only R.2 zoned neighbourhood in the City, with R.2 zoning traditionally only occurring at the individual parcel level and blended into single-family neighbourhoods. In this case, the parent parcel from which the subject properties were created was zoned R.2, thus when the parent parcel was subdivided, the newly created lots also inherited the R.2 zoning designation. However, the subdivision is developing largely as a single-family neighbourhood, except for 3 of the 34 lots which have sufficient area and frontage to accommodate a two-family dwelling (i.e. minimum 700 m² lot area and 23 m of frontage). The proposed rear yard setback variance for the Internal Lots allows the properties to develop in a manner that is consistent with the rear yard setbacks for single-family dwellings in all other residential zones.
- The Internal Lots do not abut any properties within an existing neighbourhood, except for 2208 Heitman Street and 2000/2004 Heitman Street (Lots 10, 26 and 27) which abut properties along Heitman Street and 315 Bass Avenue. However, the adjacent properties along Heitman Street are

quite deep and the single-family dwellings are situated in the front portions of the lots, which helps to mitigate any potential privacy or view impacts; furthermore, 315 Bass Avenue has a very large rear yard which is approximately 26 m (85.3 feet) x 26 m (85.3 feet) which will also help to mitigate any potential privacy or view impacts for that property.

Additional Considerations

Staff have the following clarifications with respect to statements expressed at the Council meeting where the previous Development Variance Permit application was considered:

- Although the developer received a Zoning Text Amendment in 2021 which reduced the minimum lot size for single-family dwellings on the properties from 450 m² (4,844 square feet) to 350 m² (3,767 square feet), all of the lots are larger than the minimum lot size as varied; a breakdown the actual areas of the subject properties is as follows:

Lot Size	Number of Lots	Percent Reduction Compared to Original 450 m ² Minimum Lot Area
*424 m ² – 439 m ²	6	3.6%
**440 m ² – 449 m ²	10	2.2%
450 m ² – 699 m ²	11	-
700+ m ²	7	-

Furthermore, the R.2 zone’s maximum lot coverage for buildings in structures is 50% of the lot area. It should be noted that even if the requested setback variances were authorized, the 50% maximum lot coverage requirement cannot be exceeded (unless varied), which in turn limits the footprint of buildings.

- It is very common for variances to be brought forward by developers once a subdivision has been approved. It is not known prior to subdivision approval what the road layout, final lot sizes, and infrastructure requirements will be with sufficient certainty in order to make accurate variance requests. Zoning regulates for the general, and a variance is a legal mechanism for ensuring site specifics can be reasonably accommodated. In this case, this development has specific factors in support of variances, particularly the fact that the properties inherited an R.2 zoning designation from their parent parcel, and yet are largely developing to a single-family neighbourhood which is typical of an R.1/R.1-A zoning designation. Had the parent parcel been zoned R.1 or R.1-A, the required front and rear yard setbacks for single-family dwellings on the subject properties would have been 6 m (19.68 feet) and variances would not be needed.
- The proposal is consistent with the City of Enderby Official Community Plan and the Regional District of North Okanagan Regional Growth Strategy.
- The subject properties are located in the 1:200 year floodplain and thus the Zoning Bylaw and Provincial guidelines require that the underside of flood systems in the floodplain must be constructed above the specified flood construction level. Neighbouring properties in the area would have been subject to the same requirements, unless they were constructed prior to the Provincial flood guidelines coming into effect; in those cases, the properties would be subject to the same requirements for future construction.

- The City’s Zoning Bylaw permits secondary suites in single-family dwellings in all residential zones. The inclusion of a secondary suite does not change a dwelling’s classification as ‘single-family’. In fact, up until December 2019, secondary suites were only permitted in single-family dwellings under the BC Building Code. It should be noted that secondary suites have a significant and positive impact upon housing supply and affordability, as acknowledged in the City’s Housing Needs Assessment Report.

SUMMARY

This report relates to two Development Variance Permit applications which form a comprehensive variance request for the 34-lot subdivision shown on the attached Schedule ‘A’. The applicant previously submitted a Development Variance Permit application seeking to reduce the minimum front and rear yard setbacks for single-family dwellings for all of the subject properties. That variance request was denied by Council after considering public input. The applicant has submitted a new variance request which has been modified in response to the neighbourhood concerns as follows:

- Vary 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), for the Perimeter Lots associated with Development Variance Permit 0059-23-DVP-END; and
- Vary Section 603.10.b.i and 603.10.d.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum front and rear yard setback areas for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet), for the Internal Lots associated with Development Variance Permit 0060-23-DVP-END.

The City of Enderby Planner is supportive of the variance requests and is recommending that Council authorize the issuance of Development Variance Permits.

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

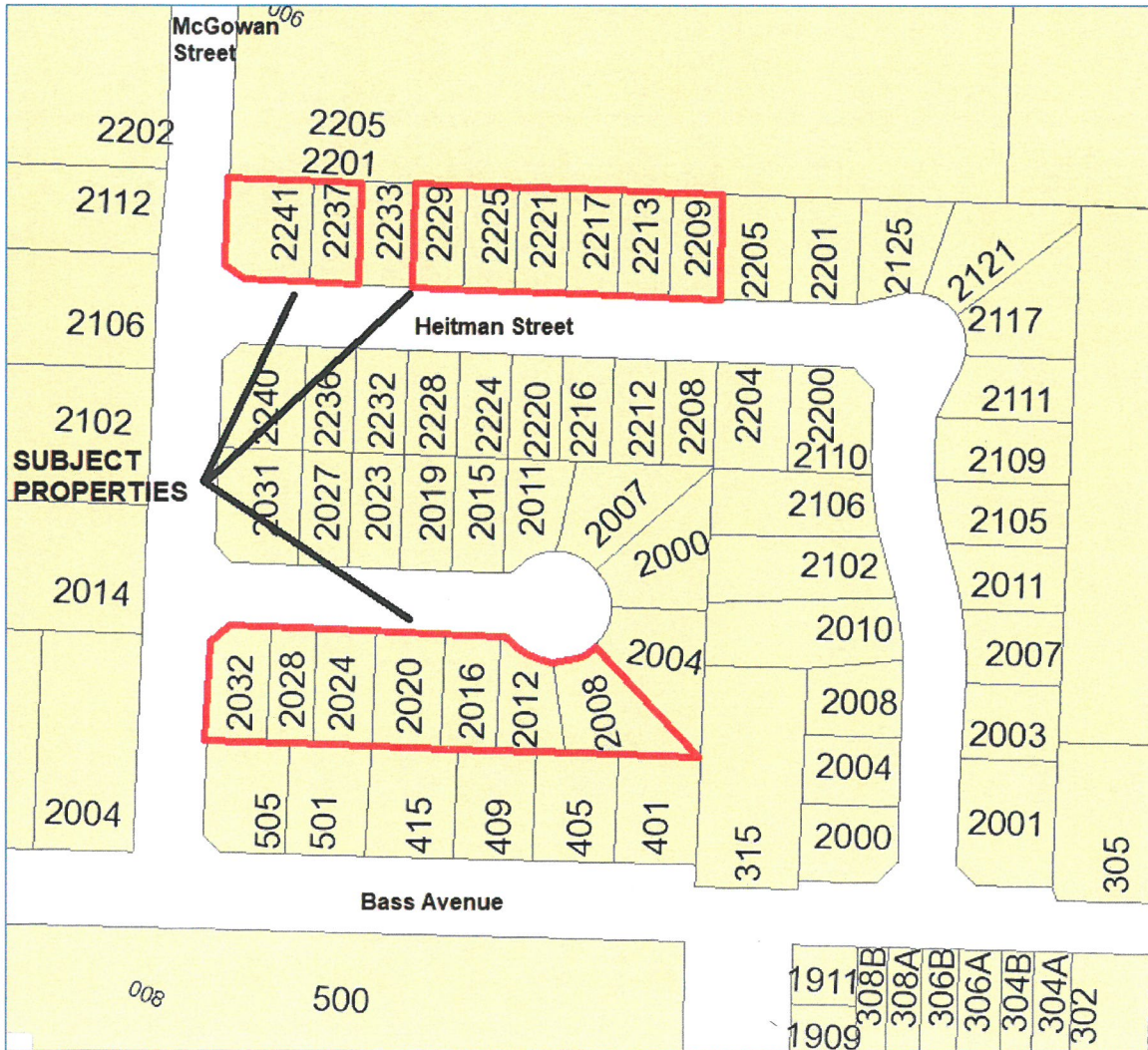
SUBJECT PROPERTY MAP

File: 0059-23-DVP-END (Mandair)

Owners: Viewmount Enterprise Ltd., Jagdeep and Jasjit Ladhar, Amandeep Bassi, Balwinder Rai, Varinder Pandher, 1257515 B.C. LTD., P.A.U. Enterprises Inc., Sarabjit and Harleen Minhas

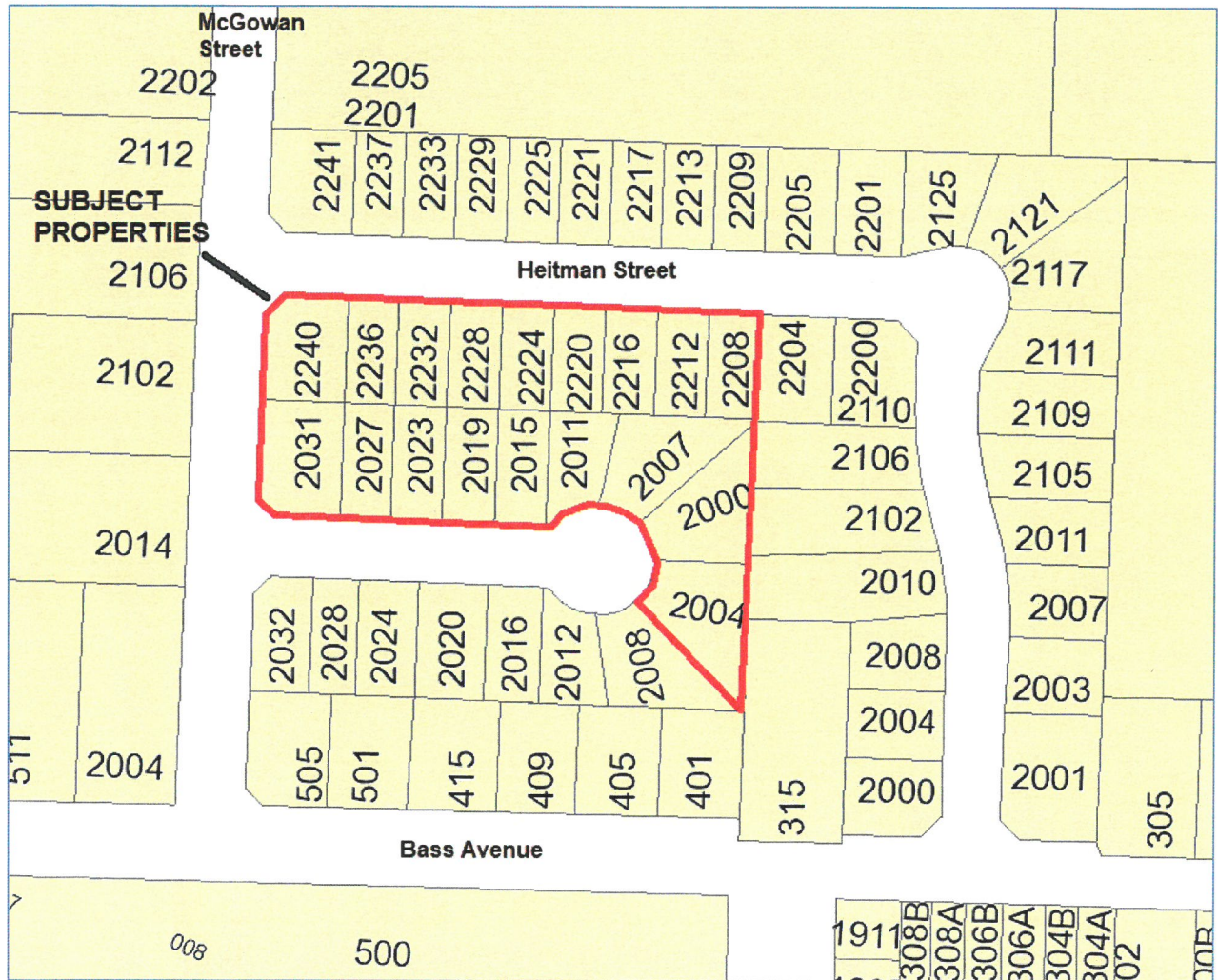
Applicant: Ron Mandair

Location: 2209, 2213, 2217, 2221, 2225, 2229, 2237, 2241 Heitman Street, Enderby BC
2008, 2012, 2016, 2020, 2024, 2028, 2032 Viewmount Court, Enderby BC



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

File: 0060-23-DVP-END (Mandair)
Owners: Viewmount Enterprise Ltd., Blue Gold Homes Ltd.
Applicant: Ron Mandair
Location: 2208, 2212, 2216, 2220, 2224, 2228, 2232, 2236, 2240 Heitman Street, Enderby BC
 2000, 2004, 2007, 2011, 2015, 2019, 2023, 2027, 2031 Viewmount Court, Enderby BC

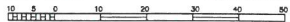


Subdivision Plan of Lot 7, District Lot 226, K(O)DYD, Plan KAP50468

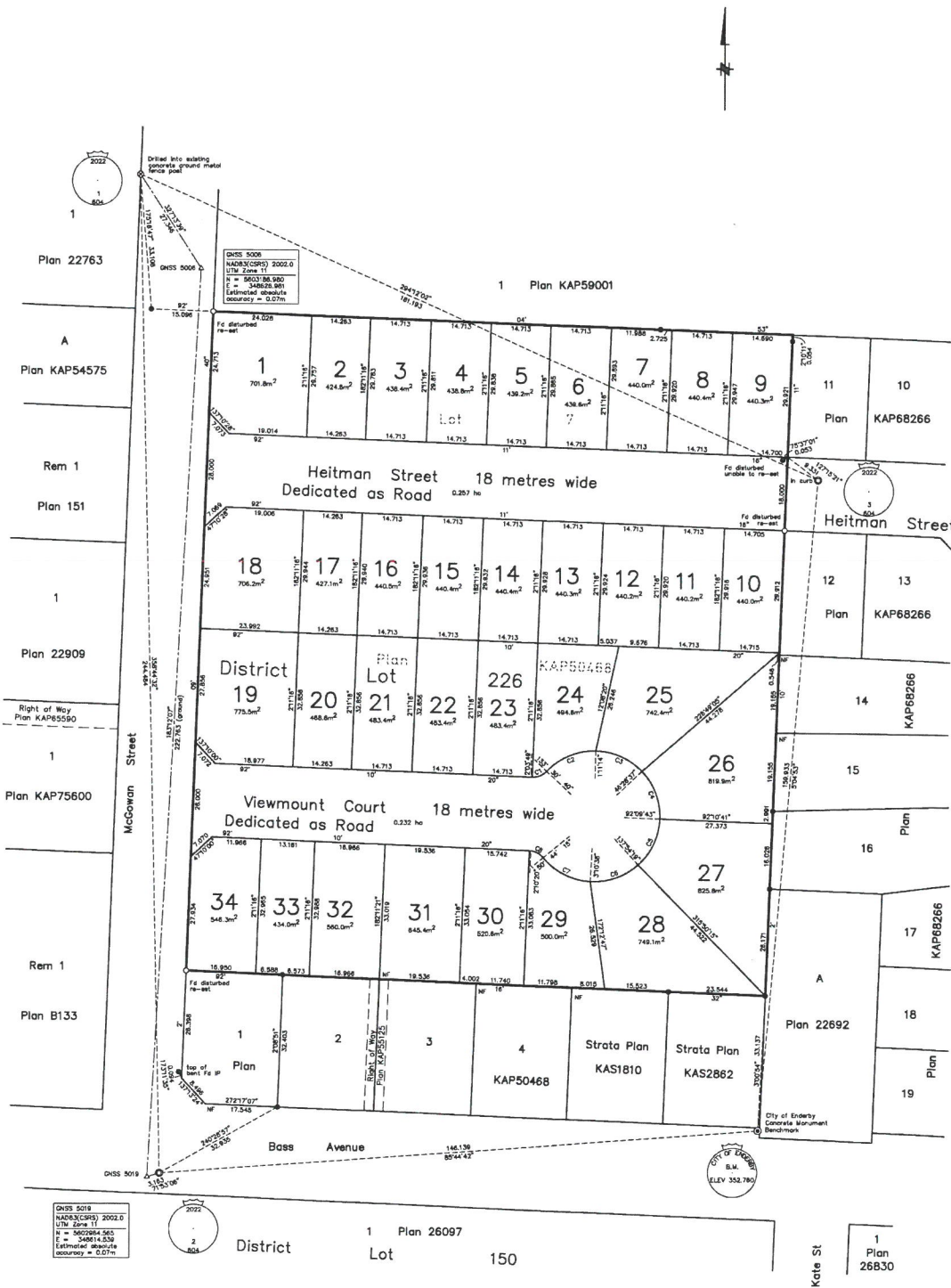
PLAN EPP125705

Schedule 'A'

Scale 1:500 BCGS 82L.055



All distances are in metres.
The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:1000



GNSS 5008
NAD83(CRS) 2002.0
UTM Zone 11
E = 560235.920
N = 548828.891
Estimated absolute accuracy = 0.07m

GNSS 5019
NAD83(CRS) 2002.0
UTM Zone 11
E = 560294.565
N = 548814.538
Estimated absolute accuracy = 0.07m

Curve No.	SPC	Radius
C1	3.336	8.465
C2	13.314	18.000
C3	12.887	18.000
C4	12.758	18.000
C5	12.774	18.000
C6	12.842	18.000
C7	13.281	18.000
C8	3.658	8.465

LEGEND

Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 11.

This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998286. The average combined factor has been determined based on an ellipsoidal elevation of 337.0 metres.

The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Natural Resources Canada Precise Point Positioning Service.

- Standard Iron Post Found (SIP)
- Standard Iron Post Placed (SIP)
- △ Traverse Hub Placed
- ⊙ Standard Capped Post Placed
- ⊕ City of Enderby Concrete Post Found
- ⊖ Standard Rock Post Placed
- Fa Denotes Found
- N Denotes Nothing Found
- re=est Denotes re-established
- Block outline monumentation has been approved for this plan.
- LISA File No.: 10500-30-1686

This plan lies within the jurisdiction of the Approving Officer for the City of Enderby

This plan lies within the Regional District of North Okanagan

The field survey represented by this plan was completed on the 15th day of November, 2022 Joseph Charles Johnson, BCLS (504)

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
Fax: 8136 p. 95
File: 612-22 612-2210w

**CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION**

AGENDA 

File No: 0058-23-DVP-END

June 1, 2023

APPLICANT: Eric Borhaven

OWNER(S): 0742828 B.C. LTD., INC.NO. BC0742828
1297910 B.C. LTD., INC.NO. BC1297910

LEGAL DESCRIPTION: LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE 6TH MERIDIAN
KAMLOOPS DIVISION YALE DISTRICT PLAN 1702

PID #: 011-352-582

LOCATION: 186 Salmon Arm Drive, Enderby BC

PROPERTY SIZE: 0.97 acres (3,925 square meters)

ZONING: Residential Multi-Family Medium Intensity (R.3)

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

PROPOSAL: 5-lot Subdivision

**PROPOSED
VARIANCES:** Vary Subdivision Servicing and Development Bylaw by not requiring Cliffview Drive or Salmon Arm Drive adjacent to the proposed lots to be constructed to centreline, or to provide a cash-in-lieu payment equal to the cost of those works, with the owners to instead provide a reduced cash-in-lieu payment of \$53,534.50

RECOMMENDATION:

THAT Council NOT authorize 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';

AND THAT Council authorize the issuance of a Development Variance Permit for the above described property 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 \$141,704.33, for the proposed five-lot subdivision shown on the attached Schedule 'A'.

ALTERNATE RESOLUTION

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'.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 186 Salmon Arm Drive, Enderby BC. The applicant is proposing a 5-lot subdivision, as shown on the attached Schedule 'A', and as part of the proposed subdivision the applicant is seeking a variance to the 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 instead proposing to provide a reduced cash-in-lieu payment of \$53,534.50. The applicant has stated that the \$53,534.50 value represents half of the cost of upgrading the existing water line along Cliffview Drive (\$23,534.50) and a \$30,000 contribution towards road upgrades to Cliffview Drive (paving, curbing, sidewalk). The applicant's rationale for the variance request is attached to this Report as Schedule 'B'.

Site Context

The 3,925 square meter (0.97 acre) subject property is located on the southeast corner of the intersection of Cliffview Drive and Salmon Arm Drive. The subject property has a single family dwelling, built in 1913, located in the centre of the lot; several accessory residential buildings are located to the south of the single family dwelling. Access to the property is gained via a gravel driveway off of Salmon Arm Drive, along with a secondary, mid-block gravel access off of Cliffview Drive.

A restrictive covenant is registered on the title of the property which:

- i. Restricts the use of 'apartments' on the subject property; and

- ii. Limits the maximum height of buildings on the subject property to the lesser of 9 m (29.53 feet) or two (2) storeys.

The subject property is zoned Residential Multi-Family Medium Intensity (R.3) and is designated in the Official Community Plan (OCP) as Residential Medium Density. The surrounding properties are all zoned Residential Single-Family (R.1/R.1-A) and are designated in the OCP as Residential Low Density.

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

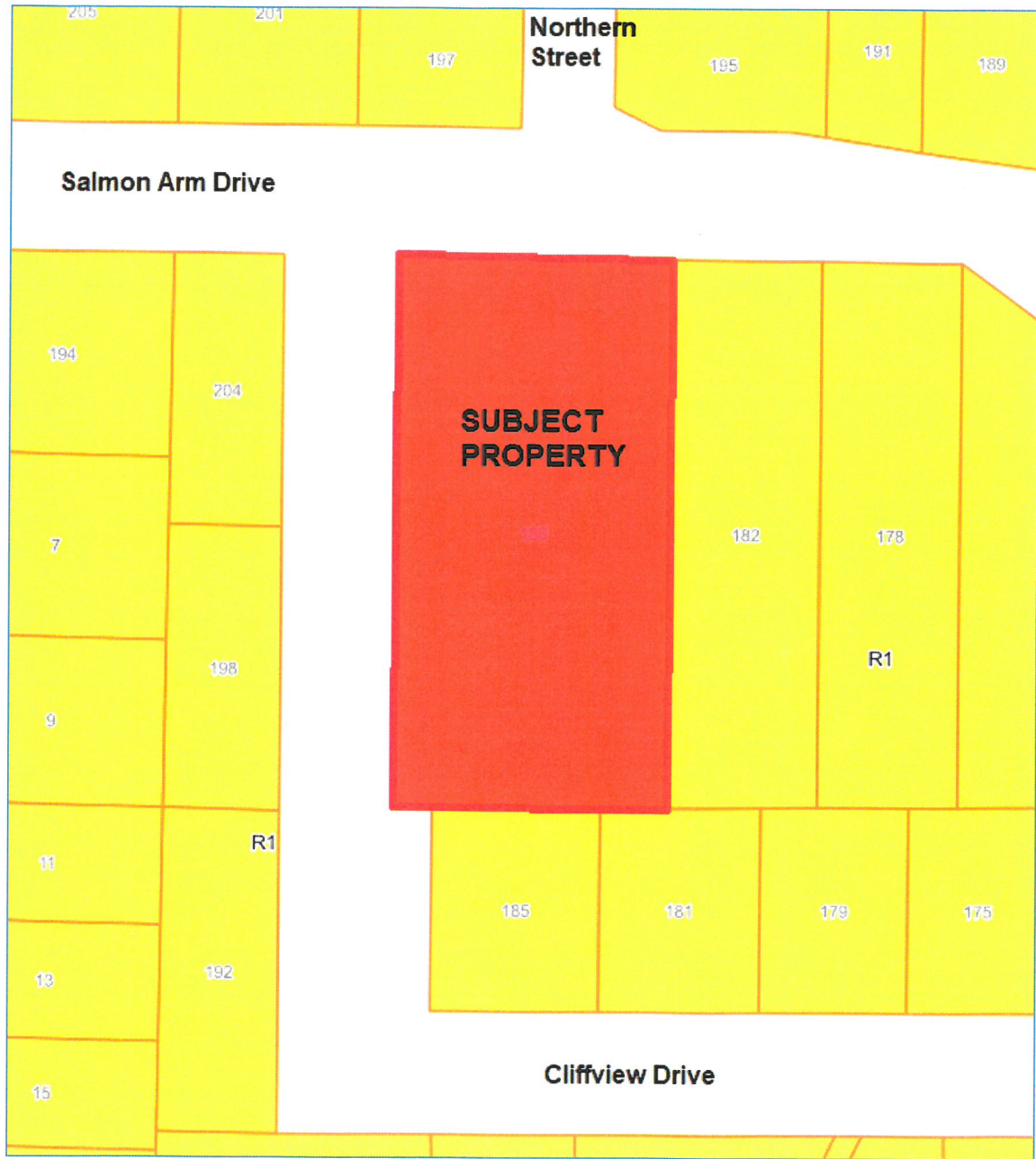


Figure 1: Zoning Map

Yellow - Residential Single Family (R.1/R.1-A)
 Red – Residential Multi-Family Medium Intensity (R.3)

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 5-lot subdivision, as shown on the attached Schedule 'A'; the proposed lots range in area from 677.9 m² (7,297 square feet) to 825.4 m² (8,885 square feet). Three of the proposed lots would front Cliffview Drive, one would front Salmon Arm Drive, and one would front both. The existing single-family dwelling is proposed to remain on proposed Lot 3, fronting Cliffview Drive. Although the applicant has advised that they are intending to develop the new lots for single-family dwelling purposes, proposed Lots 1 and 2 have sufficient lot areas to develop two-family dwellings (which is a permitted use under the R.3 zoning designation).

Given that the applicant is proposing to subdivide the property, the requirement to construct the adjacent roads to centreline, or provide cash-in-lieu relative to the cost of these works, has been triggered as a condition of subdivision pursuant to Section 506(8) of the *Local Government Act*.

The standards for constructing adjacent roads to centreline pursuant to Section 506(8) of the *Local Government Act* are the Collector Road standards expressed in the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000.

In lieu of an applicant completing the construction of a road(s) to centreline as a condition of subdivision, the City may collect cash-in-lieu for the value of these works which would be applied towards a future full re-construction of the road(s). This approach provides the following benefits:

- It allows for the City to complete the works at a future date that provides the highest cost and asset management efficiency (i.e. road has fully reached end of life, road works are timed with other construction projects to maximize efficiency);
- It lowers development costs on infill lots by enabling the City to pro-rate the construction to centreline works in a manner that reflects where the adjacent road is in its expected life cycle;
- It provides cost certainty to the developer as they would not be responsible for potential cost overruns associated with completing the works, and they would not need to provide maintenance deposits to guarantee the works post-construction;
- It lowers development costs by not requiring developers to provide upsized or extended services for the other 50% of the works and services, which, if triggered, would typically provide cost recovery by way of a latecomer agreement, which risks delayed and potentially partial cost recovery, particularly for infill lots;
- It lowers development costs by deferring the project to a full road rebuild, as the costs associated with actually building half of a road are considerably more expensive than half the costs of a full road rebuild; and
- It provides time certainty for developers that enables them to bring a property to market without having to reconstruct part of a road, or marketing an unsold lot fronting an unconstructed or partially constructed road.

History

In 2022, the applicant submitted a Development Variance Permit application as part of the proposed subdivision requesting to vary the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to:

- Not require Cliffview Drive or 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 provide a cash-in-lieu payment equivalent to the cost of the works;
- Not require the design and construction of a storm drainage system;
- Not require the provision of ornamental street lighting; and
- Not require the provision of underground wiring for power, telephone and cablevision.

Council authorized the issuance of a Development Variance Permit to waive the requirement for the provision of ornamental street lighting (subject to conditions) and underground wiring for power, telephone and cablevision. Council denied the variance requests to, i) not require Cliffview Drive and Salmon Arm Drive to be constructed to the centreline of the road, or provide a cash-in-lieu equivalent to the cost of the works, and ii) not require the design and construction of a storm drainage system.

In the spring of 2023, the applicant and other owners expressed a desire to seek a variance to reduce the cash-in-lieu value associated with constructing the adjacent roads to centreline. Typically, if a subdivision is of a significant size such that there is an impact upon works and services, there is not a strong policy or technical basis to support waiving the construction to centreline requirement. However, the subject property has unusual characteristics that can be taken into consideration, at least on the design basis of this application. Those characteristics are:

- Large lot with a very long frontage along Cliffview Drive;
- Corner lot, which increases the frontage length by virtue of being adjacent to two roads; and
- Both frontage roads are collector roads, which are built to a higher standard than a local road under the City's Subdivision Servicing and Development Bylaw.

Given these site-specific characteristics, Staff were open to exploring with the developer a rational basis for reducing the cash-in-lieu valuation for off-site works. Staff considered the City's asset management policy and the nature of the adjacent infrastructure, and proposed the formula below, which would result in costs for off-site works being more typical of redeveloping an infill lot at a single-family neighbourhood level of density; the following formula was discussed to two of the owners, and then the owner's engineer:

- Only require cash-in-lieu for construction to centreline for Cliffview Drive, and not Salmon Arm Drive, recognizing that Salmon Arm Drive was very recently reconstructed.
- For the cash-in-lieu for the roadworks associated with constructing Cliffview Drive to centreline (paving, curbing, sidewalk, etc.) in accordance with the Collector Road standards, pro-rate the value based on the remaining design life;
- As the sanitary sewer and storm mains on Cliffview Drive are approaching lifecycle end, these works would not be pro-rated as they would be replaced as part of the next road reconstruction; and
- Given that an upsized water main is required to service two of the five lots, of which the developer would typically be responsible for the full costs, approach on the same basis as sanitary sewer and storm, above, while considering the particular characteristics of the water distribution system and hydrants in this vicinity as an interim fire fighting measure

The owners' engineer developed a Class D Opinion of Probable Costs based on the above formula. It confirmed a cash-in-lieu value of \$141,704.33. This Opinion of Probable Costs is not inclusive of the provision of ornamental street lighting or underground wiring for power, telephone and cablevision, given the previous variances authorized by Council.

The applicant then submitted a Development Variance Permit application seeking a variance to the 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, but instead proposed a reduced cash-in-lieu payment of \$53,534.50. The applicant’s rationale for the variance request is attached to this Report as Schedule ‘B’.

***NOTE: In the applicant’s letter attached as Schedule ‘B’ they reference that the City’s Planner and Administrator stated they would only be required to provide improvements to Cliffview Drive and not Salmon Arm Drive; to clarify, Staff indicated that they could support variance request for this, based on the reasons and rationale described above, but indicated that the final decision would lie with Council. The applicant who submitted the variance request was not in attendance at the meetings in the early spring with the other owners nor the owners’ engineer, as referenced above.

ZONING BYLAW:

The property is zoned Residential Multi-Family Medium Intensity (R.3) and the permitted uses within this zone include:

- Accessory residential
- Boarding, lodging, or rooming houses
- Convalescent, nursing, and personal care homes
- Restricted agricultural use
- Single family dwellings
- Attached Secondary Suites
- Two family dwellings
- Three family dwellings
- Four family dwellings
- Row housing
- Apartment and multi-family residential
- Adult retirement housing
- Bed and breakfasts
- Civic and public service use

The proposed lots as compared to the Zoning Bylaw requirements for the R.3 zone is as follows:

CRITERIA	R.3 ZONE REQUIREMENTS	PROPOSAL
Lot Area (min.)	350 m ² (3,767 square feet)	677.9 m ² (7,297 square feet) - 825.4 m ² (8,885 square feet)
Lot Coverage (max.)	50%	< 50 %
Lot Frontage (min.)	15.0 m (49.21 feet)	> 15.0 m (49.21 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 adjacent local roads and collector roads in accordance with Design, Materials, and Installation standards outlined in Section 2.0 of Schedule "A" of the Bylaw.

The applicant is seeking a variance to Section 2.0 of Schedule "A" of the Subdivision Servicing and Development Bylaw 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 instead providing a reduced cash-in-lieu payment of \$53,534.50.

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

No comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner has concerns with the applicant's request to vary 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 instead providing a reduced cash-in-lieu payment of \$53,534.50.

The \$141,704.33 cash-in-lieu value is rational, reasonable, and balances the following considerations:

- The context of the subject property, including:
 - Large lot with a very long frontage along Cliffview Drive;
 - Corner lot, which increases the frontage length by virtue of being adjacent to two roads;
 - Both frontage roads are collector roads, which are built to a higher standard than a local road under the City's Subdivision Servicing and Development Bylaw.
- The City's Asset Management Policy and support for infill development; and
- The nature of the adjacent infrastructure.

Upon consideration of input from adjacent land owners, it is recommended that Council does NOT authorize the issuance of the Development Variance Permit to vary 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. Instead, Staff are recommending that Council authorize the issuance of a Development Variance Permit to not require 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 **\$141,704.33**.

Finally, Staff wish to emphasize a few broader considerations with respect to fairly administering this subdivision requirement:

- This decision is statutory in nature and should be based on rationale that is coherently applied; and
- When a decision departs from a common practice, there should be clear reasons for doing so.

The principles of fairness carry over to other developers and should be applied on this basis.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 186 Salmon Arm Drive, Enderby BC. The applicant is proposing a 5-lot subdivision, as shown on the attached Schedule 'A', and as part of the proposed subdivision the applicant is seeking a variance to the 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 instead providing a reduced cash-in-lieu payment of \$53,534.50. The applicant has stated that the \$53,534.50 value represents half of the cost of upgrading the existing water line along Cliffview Drive and a contribution towards road upgrades to Cliffview Drive. The applicant's rationale for the variance request is attached to this Report as Schedule 'B'.

The City of Enderby Planner is recommending that Council not support the variance request, but instead support a variance request for the owners to provide a reduced cash-in-lieu payment of \$141,704.33.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

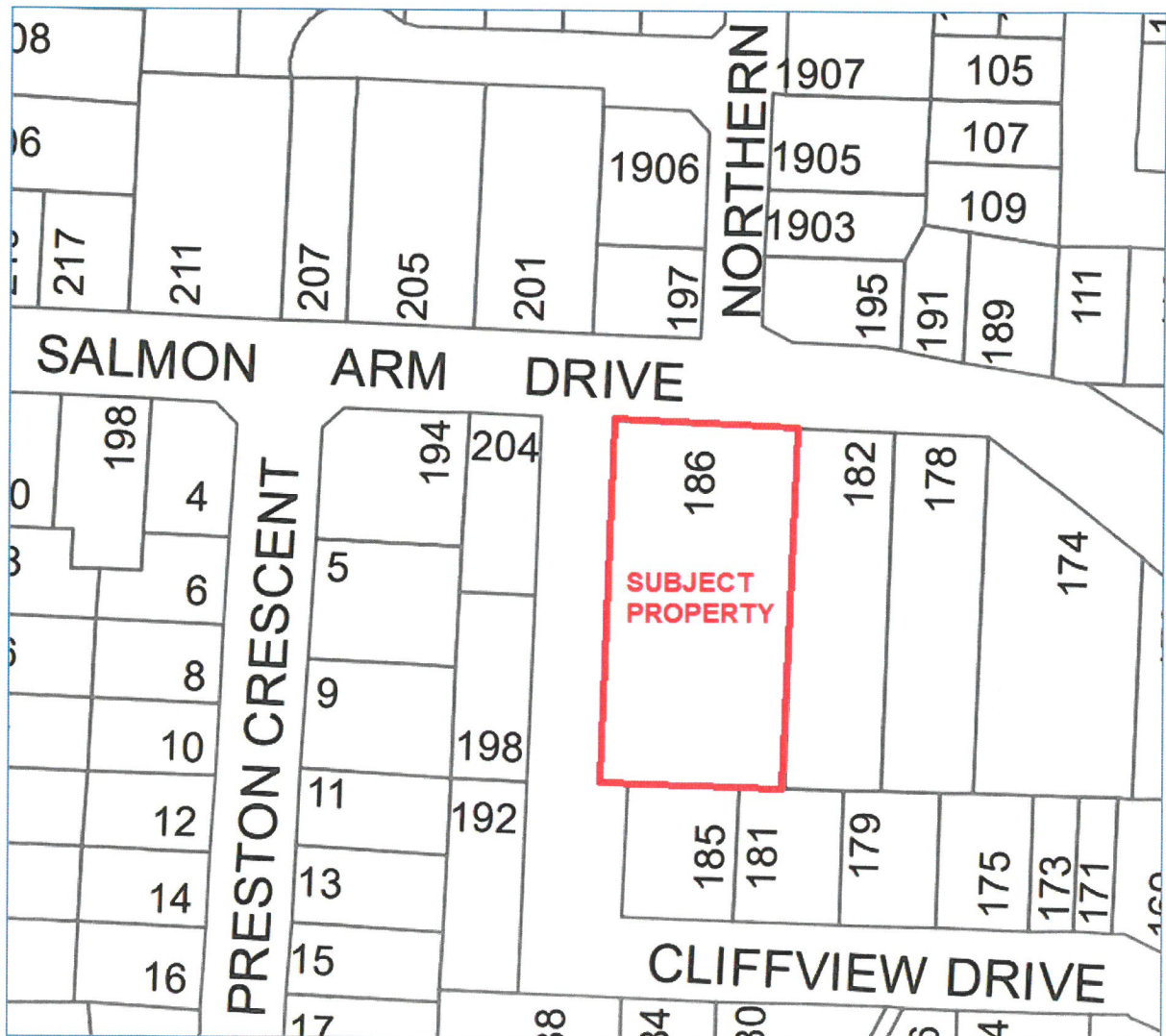
Reviewed By:



Tate Bengtson
Chief Administrative Officer

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

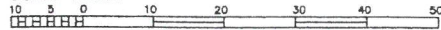
File: 0058-23-DVP-END
Applicant: Eric Borhaven
Owners: 0742828 B.C. LTD., INC.NO. BC0742828
1297910 B.C. LTD., INC.NO. BC1297910
Location: 186 Salmon Arm Drive, Enderby BC



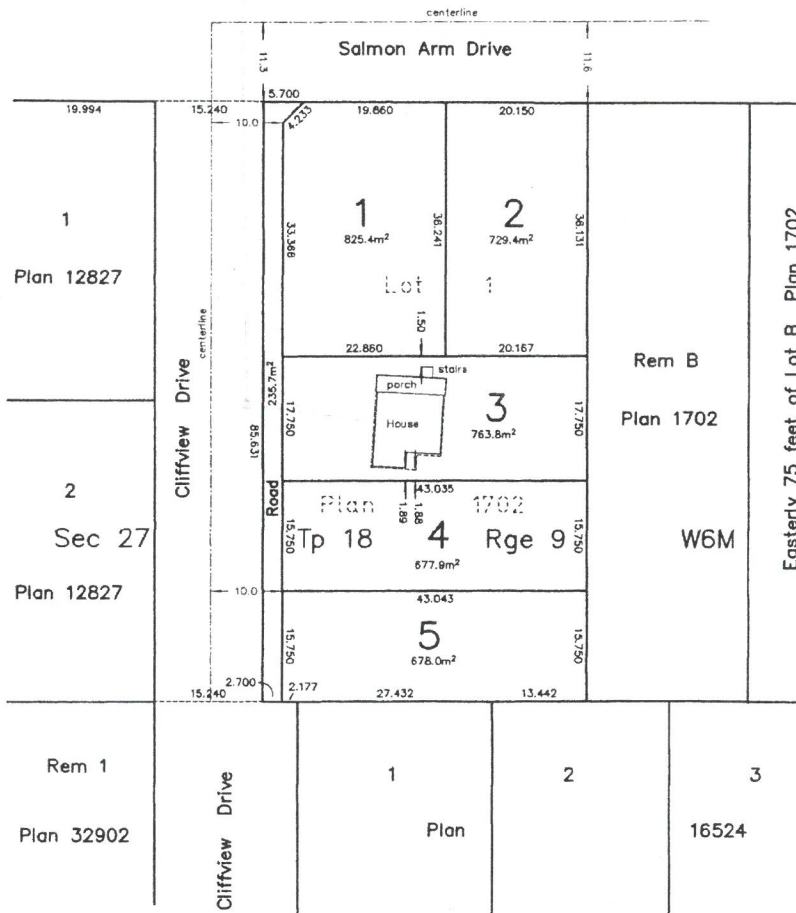
Schedule 'A'

Sketch Plan of Proposed Subdivision of Lot A, Sec 27, Tp 18, Rge 9, W6M, KDYD, Plan 1702

Scale 1:500



All distances are in metres.
The intended plot size of this plan is 432mm in width by 560mm in height (C size)
when plotted at a scale of 1:500



November 25, 2022

BROWNE JOHNSON LAND SURVEYORS
B.C. AND CANADA LANDS
SALMON ARM, B.C. 250-832-9701
File: 657-22 Fb.R137p.127
288-22.raw

Schedule 'B'

To Enderby City Council:

Enderby city planner and administrator have indicated we would only be paying for upgrades to Cliffview Dr. as Salmon Arm Dr. has been upgraded in the previous 2-3 years. After reviewing Lawson Engineerings preliminary plans it is indicating we would only be connecting 3- 1 inch water connections to Cliffview Dr. and nothing more ,Therefore we would like the portion of the sanitary sewer, the storm sewer works ,and the future road upgrades ie. sidewalks, curbing, asphalt upgrades waived for Cliffview Dr. as they appear to be in excellent shape (as indicated by the following pictures provided) We are more than willing to contribute our portion of future costs towards the water line on Cliffview Dr. as indicated in Engineers cost breakdown and to make a contribution of \$ 30,000.. Towards Cliffview Dr. roadworks. Please keep in mind that we are adding more housing , more tax base, and more employment to Enderby with minimal loads on the city infrastructure and no costs to the city. We would also be paying the DCC's per lot created and the other misc. fee's as required by the City of Enderby. We are also paying for lot servicing, Engineering, B C Hydro installation and surveying . Also the most southern 3 lots would have storm pits installed per engineer with only the 2 northern lots being connected to city storm system on Salmon Arm Dr. The 2 northern lots would be connected to water on Salmon Arm Dr. and all 5 lots would all be connected to Salmon Arm Dr. Sewer.

Thank you for your time

Respectfully Submitted by Eric Borhaven











THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1771

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

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

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

1. This bylaw may be cited as the “The City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1771, 2023”.
2. Schedule “8” of the City of Enderby Fees and Charges Bylaw No. 1479, 2010 is deleted and Schedule “8” attached to and forming part of this bylaw is substituted therefore.

READ a FIRST time this 15th day of May, 2023.

READ a SECOND time this 15th day of May, 2023.

READ a THIRD time this 15th day of May, 2023.

ADOPTED this day of , 2023.

MAYOR

CORPORATE OFFICER

SCHEDULE 8

DEVELOPMENT APPLICATIONS FEES

Administered through the Development Applications Procedures Bylaw and Subdivision Servicing and Development Bylaw

DEVELOPMENT APPLICATIONS FEES	
Application Type	Fee
Rezoning/Zoning Bylaw Amendment	\$900
- Public Notice Advertising	\$450
Official Community Plan Amendment	\$900
- Public Notice Advertising	\$450
Joint Official Community Plan Amendment / Zoning Bylaw Amendment	\$1,100
- Public Notice Advertising	\$550
Temporary Use Permit	\$700
- Public Notice Advertising	\$450
Development Variance Permit	\$800
Board of Variance	\$800
Land Use Contract – Vary or Discharge	\$750
Provincial Non-Medical Cannabis Retail License Referral Application (Not collected if accompanied by a Zoning Bylaw Amendment)	\$1,000
Subdivision	
- Base Fee	\$1,000
- Each Additional Lot Created	\$155
Boundary Adjustment	\$800
Preliminary Layout Review Extension	\$200
Subdivision Application Revision	\$200
Inspection Fees	3% of the first \$500,000 (minimum \$1,000)
	2% on the second \$500,000
	1% on the balance over \$1,000,000
	(of the estimated costs of constructing services as approved by the City Engineer)
Engineering Plan Resubmission Fees	\$250 per sheet reviewed after the second submission
Strata Conversion of Previously Occupied Building	\$1,000
Lot Frontage Waiver Request	\$300
Floodplain Exemption Request	\$600
Campground Permit	
- First 50 Camping Spaces	\$100
- Each Additional Camping Space	\$2
Legal Document Amendment or Discharge	
- No Council Resolution Required	\$400

<ul style="list-style-type: none"> - Council Resolution Required - Public Notice Advertising 	<p>\$1,100 \$450</p>
<p>Secondary Suite Decommission Application</p> <p>*Note: In the event a decommissioned suite is rented without notification provided to the City, the applicable fees and charges will be charged retroactively and a 10% penalty will be applied to the property.</p>	<p>\$25 *See Note</p>

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: May 23, 2023
Subject: Proposed Code of Conduct

RESOLUTION #1 – ADOPT THE CODE WITHOUT AMENDMENT

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.

RESOLUTION #2 – AMEND THE CODE AND REPORT BACK

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 amends the proposed City of Enderby Elected Official Code of Conduct by _____;

AND FURTHER THAT Council directs staff to review the proposed amendments with legal counsel and report back to Council.

RESOLUTION #3 – DO NOT ADOPT A CODE

THAT Council does not adopt the proposed City of Enderby Elected Official Code of Conduct;

AND THAT Council directs staff as to the reasons for its decision so that a statement may be provided to the public upon request;

AND FURTHER THAT Council reconsiders its decision before January 1 of the year of the next general local election pursuant to section 113.2(1) of the *Community Charter*.

BACKGROUND

The *Community Charter* was amended in 2021 to require a municipal council, within six months of its first regular meeting following a general election, to decide whether to establish or review a code of conduct for elected officials (“the Code of Conduct”).

This requirement emerged from a broader “responsible conduct” initiative led by the Province and the Union of British Columbia Municipalities. The rationale for this initiative is described by the Province as follows:

How elected officials conduct themselves in their relationships with elected colleagues, staff and the public is directly connected to how a community is governed. These three groups play a significant role in helping local elected officials carry out their collective responsibilities as decision-makers of their communities.

Responsible conduct is grounded in elected officials conducting themselves according to principles such as integrity, accountability, respect, and leadership and collaboration in a way that furthers a local government’s ability to provide good governance to their community.¹

The City does not have a Code of Conduct that has been adopted by Council at this time, although it does have a similar document that is essentially voluntary and individual in nature. A Code of Conduct departs from this voluntary and individual document in that Council, as a group, endorses the Code of Conduct and holds itself accountable to its principles and standards of conduct. The Code of Conduct describes the norms of behavior that are expected to guide local government elected officials.

Attached is a proposed City of Enderby Elected Official Code of Conduct. With respect to its principles and standards of conduct, the proposed Code of Conduct is based on the model developed by the provincial government, the Union of British Columbia Municipalities, and the Local Government Management Association. The model was developed over several years by local government stakeholders and legal experts throughout the province and was most recently updated in October 2022. The model is consistent with the *Principles for Codes of Conduct Regulation*. Any departure or addition to the model with respect to the standards of conduct in the proposed Code of Conduct are highlighted in yellow.

The proposed Code of Conduct also introduces a simple Complaint Handling and Remedies section that is designed to achieve the following:

1. Provide clarity on the appropriate approach for bringing forward a complaint or allegation;
2. Affirm procedural fairness to all parties to a complaint or allegation;
3. Protect a complainant and those cooperating with an investigation from retaliation; and
4. Specify remedies available to Council to enforce the Code of Conduct in response to a complaint or allegation.

The inclusion of a complaint process and remedies within the proposed Code of Conduct is encouraged in the model code (which it describes as “enforcement mechanisms”) but is not required in order to be consistent with *Principles for Codes of Conduct Regulation*. However, a number of recent court cases have emphasized the importance of providing procedural fairness

¹ “Responsible Conduct of Locally Elected Officials,” Government of B.C., <https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/conduct-of-locally-elected-officials/responsible-conduct>

to all local government elected officials who are party to a complaint or allegation that may result in discipline or otherwise affect their rights. While the courts have been generally deferential to a council's decisions to impose discipline upon itself (within limits), the courts have affirmed that the decision must not deprive a party of their natural justice right to a fair process. In a particular court case, *Michetti v. Pouce Coupe (Village)*, 2022 BCSC 472, the judge deemed the Village Council's decision to remove the then-Mayor from her portfolio appointments a form of discipline (the case was extremely context-specific) for which she was not provided a fair process; consequently, the removal decision was quashed, the then-Mayor was returned to her previous appointments, and the Village was ordered to pay the then-Mayor's legal costs.

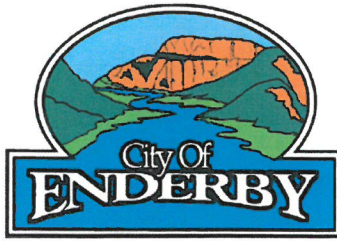
Staff have provided three resolutions for Council consideration. The first resolution adopts the proposed Code of Conduct as presented. The second resolution incorporates Council's amendments into the proposed Code of Conduct; however, given the sensitivity and risk involved, staff are recommending that amendments be reviewed with legal counsel to ensure that they are practicable as well as consistent with statute, common law, and case law obligations, and then report back to Council for further consideration and adoption. The third resolution rejects the notion of adopting a Code of Conduct and provides a pathway for doing so that is consistent with a local government's legislated obligations.

It should be noted that elected officials may self-discipline without a Code of Conduct. A Code of Conduct does not exhaust the ethical expectations associated with serving as an elected official. It is supplementary to statutes, common law, and bylaws. The purpose of a Code of Conduct is not to enable or authorize disciplinary powers against fellow members (such powers already exist), but rather to make explicit the otherwise implied behavioral norms for elected officials, to which the collective of council holds itself responsible and accountable.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



ELECTED OFFICIAL CODE OF CONDUCT

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Introduction

As local elected representatives serving the City of Enderby (“members”), we recognize that responsible conduct is essential to providing good governance for the City of Enderby.

We further recognize that responsible conduct is based on the following principles:

- (a) members must carry out their duties with integrity;
- (b) members are accountable for the decisions that they make, and the actions that they take, in the course of their duties;
- (c) members must be respectful of others;
- (d) members must demonstrate leadership and collaboration.

In order to fulfill our obligations and discharge our duties, we are required to conduct ourselves in accordance with the highest ethical standards by ensuring that these principles, and the standards of conduct set out below, are followed in all of our decisions and interactions with every person, including other members, staff, and the public.

APPLICATION AND INTERPRETATION

This Code of Conduct applies to the members. It is each member’s individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, staff, and the public.

Members must conduct themselves in accordance with the law. This Code of Conduct is intended to be applied by members in a manner that is consistent with all applicable federal and provincial laws, as well as the bylaws and policies of the local government, the common law, and any other legal obligations which apply to members individually or as a council.

To the extent that there is a conflict between this Code of Conduct and other legal obligations, the other legal obligations shall prevail.

Principles

1. Integrity – means conducting oneself honestly and ethically.
2. Respect – means valuing the perspectives, wishes, and rights of others.
3. Accountability – means an obligation and willingness to accept responsibility or to account for one's actions.
4. Leadership and Collaboration – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts.

Standards of Conduct

INTEGRITY

Integrity is demonstrated by the following conduct:

- Members will be open and truthful in all local government dealings, while protecting confidentiality where necessary.
- Members will behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct.
- Members will act in the best interest of the public and community.
- Members will ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council.
- Members will demonstrate the same ethical principles during both meetings that are open and closed to the public.
- Members will express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties.
- Members will not use local government resources for their personal benefit.
- Members will behave in a manner that promotes public confidence in all of their dealings, which includes making fair and impartial decisions and abiding by Division 6 of Part 4 [*Conflict of Interest*] of the *Community Charter*.
- Members will not retaliate against a complainant or other members and staff who are involved in a complaint or co-operate in a resolution or investigation of an alleged breach of this Code of Conduct.
- Members will not make complaints under this Code of Conduct that are vexatious, frivolous, or in bad faith.

RESPECT

Respect is demonstrated through the following conduct:

- Members will treat elected officials, staff, and the public with dignity, understanding, and respect.
- Members will acknowledge that people's beliefs, values, ideas, and contributions add diverse perspectives.
- Members will create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory.
- Members will refrain from any form of discriminatory conduct against another elected official, staff, or the public.
- Members will honour the offices of local government and fulfill the obligations of Mayor and Councillor dutifully.
- Members will recognize and value the distinct roles and responsibilities of local government staff and adhere to the one-employee governance model.
- Members will call for and expect respect from the community towards elected officials and staff.
- Members will ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful.

ACCOUNTABILITY

Accountability is demonstrated through the following conduct:

- Members will be transparent about how elected officials carry out their duties and how council conducts business.
- Members will ensure any information and decision-making processes are accessible to the public while protecting confidentiality where necessary.
- Members will correct any mistakes or errors in a timely and transparent manner.
- Members will accept and uphold that the council is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions.
- Members will listen to and consider the opinions and needs of the community in all decision-making and allow for public discourse and feedback.
- Members will act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern local government.

LEADERSHIP AND COLLABORATION

Leadership and collaboration is demonstrated through the following conduct:

- Members will demonstrate behaviour that builds public confidence and trust in local government.
- Members will provide considered direction on municipal policies and support colleagues and staff to do the same.
- Members will educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary.
- Members will create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority.
- Members will advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals.
- Members will foster positive working relationships between elected officials, staff, and the public.
- Members will commit to building mutually beneficial working relationships with **indigenous persons and communities** to further advance reconciliation efforts.
- Members will positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings.
- **While communicating on behalf of the City or Council, members will endeavour to communicate the corporate or council position accurately.**
- **Members will clearly indicate when a statement made to the public or media is individual or personal in nature.**

Complaint Handling and Remedies

Any member who has identified or witnessed conduct by another member that they reasonably and in good faith believe to have breached this Code of Conduct may address the breach by:

- Seeking an informal resolution to the matter by discussing the breach with the other member, or
- Referring the matter in writing to the Chief Administrative Officer (or Deputy Chief Administrative Officer, if it involves the Chief Administrative Officer) and the Mayor (or Acting Mayor, if it involves the Mayor).

In the event that a complaint or allegation is referred, the following steps will be taken:

- The Chief Administrative Officer and Mayor (or their respective alternates) will attempt to remedy the matter within thirty (30) days of the referral. Remedies may include:
 - An informal resolution;
 - A consent agreement with the respondent member; and/or
 - A report to Council, with or without a recommended action, or set of actions, that Council may take in order to advance or remedy the complaint or allegation.
- If the matter requires further investigation, an independent third party will be retained by the Chief Administrative Officer (or Deputy Chief Administrative Officer, if it involves the Chief Administrative Officer) to investigate the complaint or allegation and provide a written report to Council summarizing the facts, findings, and available remedies.
- Decisions authorizing specific remedies are made by Council, and should always consider fairness, proportionality, and reasonableness. Remedies may include, but are not limited to:
 - Dismissing the complaint or allegation;
 - A request for a written apology by the respondent member to Council and/or the complainant;
 - Removal from committee or commission memberships;
 - Removal of portfolio or external liaison appointments;
 - Prohibition from representing the City or Council publicly, including at events, conventions, and conferences, and a corresponding restriction placed upon travel, registration, and other incidental expenses;
 - Restrictions on how the member may access confidential or private information;
 - Public censure; and/or
 - Such other recommendations as proposed by the third-party investigator.
- Confidentiality, but not anonymity, will be maintained while the complaint or allegation is being handled to the extent that is reasonably possible while still furthering the purposes of

this Code of Conduct. While the confidentiality of the complaint, report, and remedies will be held in confidence when possible, certain remedies are necessarily or unavoidably public.

- At all times, the right to procedural fairness will be maintained for both the complainant and the respondent. This includes the right of the respondent to know of the complaint or allegation and to be provided with a reasonable opportunity to prepare and provide a response to the complaint or allegation, a summary of the findings of any report related to the complaint, as well as any proposed disciplinary remedy, prior to Council making a decision.
- The disciplinary remedies described above may be applied by Council for reasons other than a breach of this Code of Conduct, and their inclusion above in no way abrogates Council's general authority to govern itself outside of the scope of this Code of Conduct nor replace other remedies available through statute or common law.

Affirmation

I hereby affirm that I will apply the principles of the City of Enderby Elected Official Code of Conduct in the discharge of my obligations, duties, and responsibilities.

Signature _____

Name _____

Date _____

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: May 24, 2023
Subject: UBCM 2023 Provincial Meeting Requests and Attendance

RECOMMENDATION

THAT Council identifies the Provincial ministries, agencies, commissions, or corporations for which it wishes to request meetings at the 2023 Union of British Columbia Municipalities (UBCM) convention;

AND THAT Council indicates the topic(s) for its requested meetings, the members who are planning to attend each meeting, and the lead spokesperson;

AND THAT Council indicates any meeting topics for which it wishes staff to prepare an information brief prior to UBCM.

BACKGROUND

The Union of British Columbia Municipalities (UBCM) conference will be hosted in Vancouver, BC from September 18-22, 2023. The theme is *Balancing Act*. At UBCM, local government elected officials may request meetings with Provincial ministries, agencies, commissions, and corporations.

The deadlines for submitting meeting requests are:

- Premier and Cabinet Ministers: June 30, 2023
- Provincial staff: August 30, 2023

Meetings with Provincial staff may also be booked on-site at the convention's Provincial Appointment Desk from September 18-21 from 8:30am to 4:00pm.

If Council wishes to request a meeting on a particular topic but is unsure of the responsible Provincial representative, Staff will research further or contact UBCM to confirm the most appropriate person.

As part of the meeting request form, UBCM requests that representatives who are planning to attend the meeting are indicated.

Once Council has decided upon its UBCM meeting requests, staff will submit the request form for each meeting. Meeting requests are typically confirmed by the Province within the first week or two of September.

Staff will research and prepare information briefs for any meeting confirmed by the Province upon request.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Q1 UPDATE

This issue of the Rural BC Economic Bulletin provides the regular quarterly update on regional employment data, as well as another housing update and a longer-term look at the critical issue of labour shortages.

EMPLOYMENT

Quarterly employment in rural BC continued to show strong year-over-year growth in the first quarter, increasing by 3.2% compared to Q1 last year. This is considerably higher than the overall provincial growth rate of 1.7%.

The highest growth rate was in the North Coast/Nechako region at 11.6% followed by the rural Vancouver Island/Coast at 8.0%. Most rural regions had more jobs than the same period last year, except the Northeast and the Cariboo region. The Cariboo has been hard hit by multiple mill closures in recent months, while the Northeast continues to struggle with lower oil and gas activity, at least until LNG Canada is fully operational, as well as a mill closure in Chetwynd.

RURAL BC Q1 2023

EMPLOYMENT GROWTH

+3.2%

Last Year in Rural BC
Q1 2022 to Q1 2023

+7.5%

Since Pandemic Start
Q1 2020 to Q1 2023

LABOUR MARKET OVER 5 YEARS

+8.3%

Jobs + Vacancies
2017 to 2022

+4.6%

Labour Force
2017 to 2022

PROJECTED LABOUR SHORTAGES

+13%

Job Growth
2022 to 2032

+10%

Labour Force Growth
2022 to 2032

HOUSING MARKET RESET

-41%

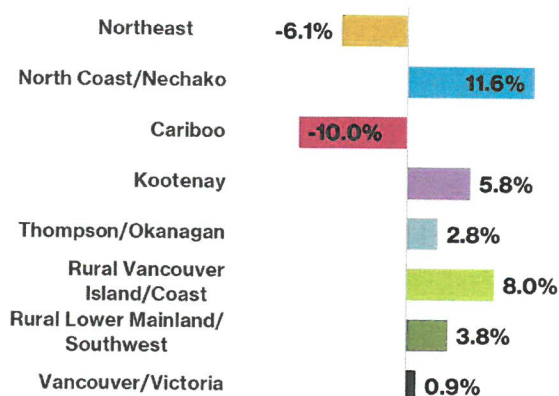
Unit Sales
Q1 2022 to Q1 2023

-12%

Average Sale Price
Q1 2022 to Q1 2023

EMPLOYMENT GROWTH

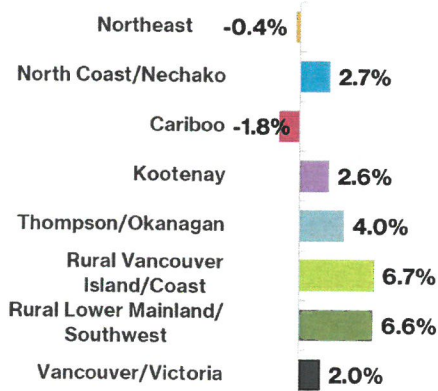
2023-Q1 compared to 2022-Q1



The problem with relying on quarterly data for small regions is the data is often quite volatile. To see a slightly longer-term perspective on employment changes, we can compare average employment in the last 12 months (ending in Q1) with the previous 12 months.

EMPLOYMENT GROWTH

Last 12 Months (to 2023-Q1) compared to Previous 12 Months



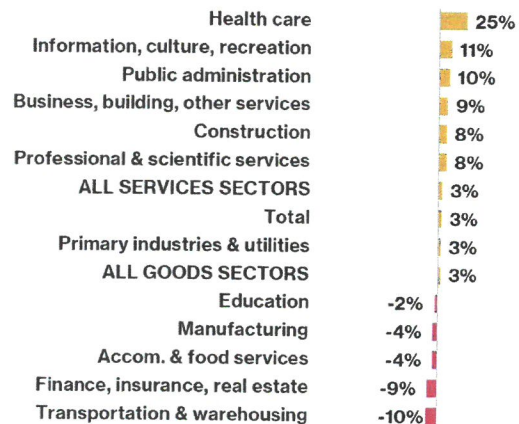
By this measure, the overall picture is broadly the same, but with fewer extremes in the smaller regions. The strongest job growth continues to occur in the rural areas of Vancouver Island/Coast and the Southwest (Squamish-Lillooet, Sunshine Coast and Fraser Valley). Both the Cariboo and Northeast regions are still showing an employment decline.

JOBS BY SECTOR

Compared to Q1 of last year, but services and goods industries employment expanded by 3%.

EMPLOYMENT GROWTH BY SECTOR IN RURAL BC

2023-Q1 compared to 2022-Q1

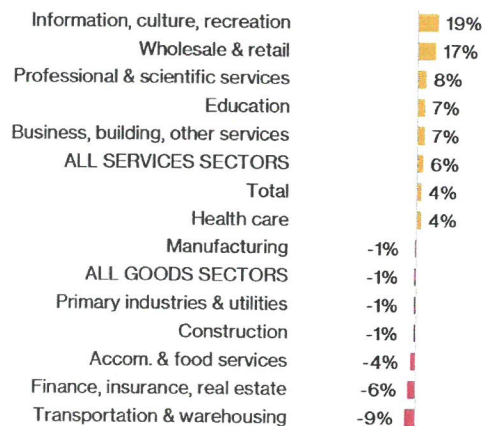


Industries like health care, construction, and public administration show very strong growth, but like the regional data, the sector data can also be volatile from quarter to quarter.

The next chart shows the change in the last 12 months compared to the previous twelve months.

EMPLOYMENT GROWTH BY SECTOR IN RURAL BC

Last 12 Months (to 2023-Q1) compared to Previous 12 Months



Information, culture and recreation industries were heavily impacted by the pandemic, so their top growth rate based on the 12-month average is due to the loosening of restrictions over this time frame. Most other services industries are also growing.

Exceptions are finance, insurance and real estate, which reflects the softening of the housing market with higher interest rates, and transportation and warehousing, perhaps reflecting a reduction in capacity built up to support home delivery during the pandemic. The decline in accommodation and food services is more puzzling but could be related to labour shortages and competition for workers from other, higher-paying industries.

Manufacturing is an increasingly diverse sector in BC, ranging from massive sawmills and other resource processing facilities to niche electronics manufacturers to local breweries. Despite the loss of some major employers, the sector overall is showing only a 1% drop in employment.

LONG-TERM LABOUR FORCE CHANGES

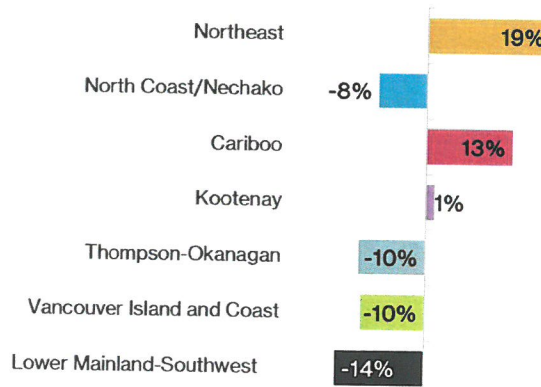
This bulletin has periodically highlighted data relating to labour supply and the rising challenge posed by labour shortages to the rural BC economy.

Community Futures staff and others working in local economic development are very aware of the importance of attracting and retaining the working age population. This section provides a longer-term perspective on this issue.

But first, here is an update on reported job vacancy numbers from Statistics Canada. This data always lags several months behind the employment stats so the latest available is from Q4 of 2022. It indicates that vacancies declined from the summer, which is the normal pattern, but the decline was larger than average this year. Reported job vacancies across rural BC were 6% lower at the end of 2022 than the end of 2021, although higher in a few regions.

JOB VACANCIES

2022-Q4 compared to 2021-Q4



Despite the modest reduction in vacancies, they remain at a significantly elevated rate compared to the pre-pandemic period.

To get a more complete picture of longer-term dynamics in the rural labour market, we can add together jobs and vacancies as an

estimate of “labour demand.” The number of people in the labour force represents “labour supply.” As the next chart shows, labour demand and supply are increasingly out of balance, at least at current wage rates.¹

Note that this analysis includes vacancy data that is only reported for Development Regions. Excluding Metro Vancouver means we are also excluding some of the most dynamic rural communities in the province in the Squamish-Lillooet, Fraser Valley, and Sunshine Coast regions.

Growth in Labour Demand and Supply, 2017 to 2022		
	DEMAND Jobs + Vacancies	SUPPLY Labour Force
Northeast	1%	-3%
North Coast/ Nechako	1%	-4%
Cariboo	3%	0%
Kootenay	10%	3%
Thompson/ Okanagan	13%	8%
Vancouver Island/Coast	8%	5%
“Rural BC” Total	8%	5%
Lower Mainland/ Southwest	8%	8%

Over the 2017 to 2022 period, every rural region experienced growth in labour demand (jobs + vacancies) at a faster rate than growth in labour supply.

Having excess labour demand can be positive if it’s temporary. It creates opportunities for unemployed and underemployed workers and drives wage rates higher. Indeed, the total

number of unemployed persons declined in every rural region from 2017 to 2022 and the share of jobs in full-time employment increased in every region.

But a sustained imbalance where labour supply cannot keep up with labour demand becomes a crimp on economic development. Unemployment rates are near record lows in most regions, particularly in the North, so the local supply of untapped workers has largely been exhausted. Attracting new working-age residents and encouraging groups that traditionally had lower labour force participation (Indigenous populations, older workers, etc.) are the only alternatives.

LOOKING AHEAD

To approximate future labour demand, we can use the latest annual release of the Province’s BC Labour Market Outlook.

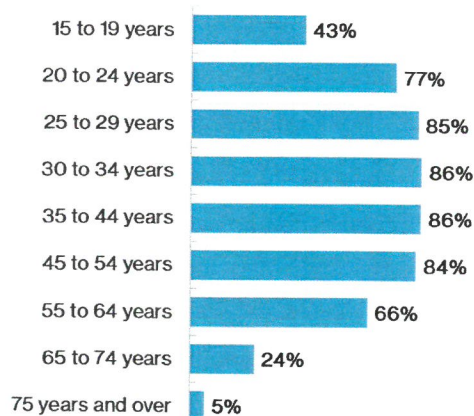
For labour supply, BC Stats produces annual population projections. These can be converted into a labour force projection with age-specific participation rates from the Census. As shown below, a BC resident in their 30s has an 86% probability of being in the labour force, while someone 75 or older has only a 5% likelihood.

¹ This analysis is a simplification because the labour demand that we see in the market depends on the wage rate. If wages were lower, employers would demand even more workers and if wages were

higher, they would demand fewer. Higher wages also draw more people into the labour force.

LABOUR FORCE PARTICIPATION RATES BY AGE

2021 Census, British Columbia



Participation rates can change over time and increasing the participation of historically under-represented groups is part of many workforce development programs.

But as an approximation, the 2021 rates are a good starting point for understanding how the size of each region's labour force is projected to grow.

Growth in Projected Labour Demand and Supply, 2022 to 2032		
	DEMAND Job Growth	SUPPLY Labour Force Growth
Northeast	5%	10%
North Coast/ Nechako	14%	1%
Cariboo	2%	4%
Kootenay	4%	5%
Thompson/ Okanagan	15%	12%
Vancouver Island/Coast	16%	11%
“Rural BC” Total	13%	10%
Lower Mainland/ Southwest	14%	14%

Taken as a whole, the rural regions outside the Lower Mainland are projected to continue to see faster job growth (13% over 10 years) than labour force growth (10% over 10 years).

At some point it is literally impossible to add jobs without the workers to hold them but seeing that these projections come from two separate arms of the provincial government, it is instructive to see which regions are likely to continue facing the most severe labour shortages.

The greatest projected imbalance is in the North Coast/Nechako region, where the labour outlook is for 14% job growth (driven by Port of Prince Rupert, Rio Tinto smelter, LNG Canada, and many public and private sector support industries) against only 1% labour force growth. Attracting new residents is already a major focus in that region but the use of non-resident workers may also be needed to bridge the gap.

Raising the labour force participation rates of local populations is also possible with plentiful and high-quality local job opportunities.

One final comment is this analysis focused only on total jobs and total workforce, but a more detailed analysis could consider the specific skills that are projected to be needed (all of which is contained in the Labour Market Outlook) and compare that to the existing skill base in a community or region.

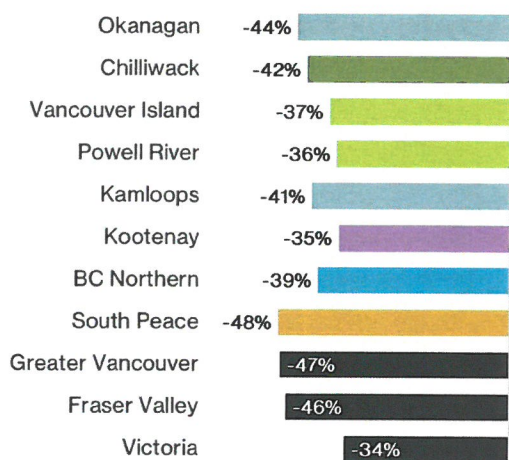
HOUSING

The provincial housing market has been in the new, higher-interest-rate era for about a year. The latest quarterly statistics from the BC Real Estate Association show a continued slowdown in both the pace of home sales and a moderate softening of average prices.

Compared to Q1 of last year, housing unit sales are down by 35% to 48% across rural regions.

CHANGE IN HOUSING UNIT SALES

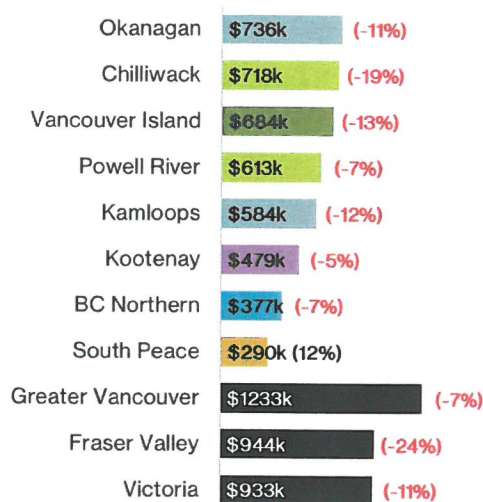
Multiple Listing Service, 2023-Q1 compared to 2022-Q1



Average home values are also down in every region except South Peace, most by 7% to 13% compared to Q1 of last year.

AVERAGE HOME PRICES

Multiple Listing Service, 2023-Q1 Average (and Change From 2022-Q1)

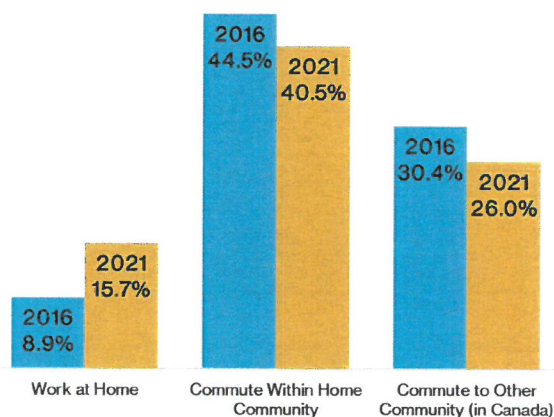


HOME-BASED JOBS IN THE 2021 CENSUS (AND THE PROBLEM FOR ANALYSIS)

Our final topic in this bulletin is a look back at the 2021 Census and the challenge that the COVID-19 pandemic created for the analysis of employment data. The Census in May 2021 took place when significant restrictions on public assembly were still in place and rates of working from home were substantially higher than in the previous Census in 2016.

PLACE OF WORK STATISTICS, RURAL BC

Statistics Canada Census, 2016 & 2021



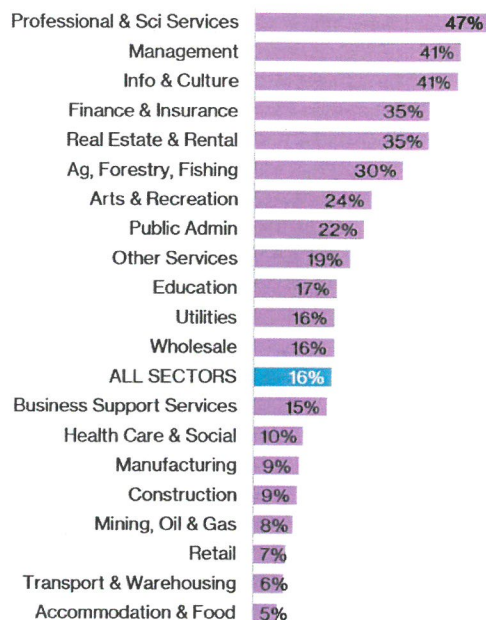
This is fine as a snapshot of what was happening in 2021, but Census data is critically important for a wide range of analytical purposes relating to community planning, transportation demand, and economic development (among others). To be useful, the data needs to reflect the prevailing situation on the ground, not just the temporary impact of COVID.

Any type of forward-looking analysis, such as projections for commercial or industrial land demand, will need to adjust the 2021 Census results to approximate what the numbers are likely to be now that COVID restrictions have lifted. The long-term impact of the pandemic will differ based on industry and occupation, as office-based jobs are much more likely to

remain at home. The move to home-based employment is also typically stronger in larger centres (the combined metro Vancouver/Victoria rate was 27% in the 2021 Census compared to 16% in Rural BC).

HOME-BASED EMPLOYMENT BY INDUSTRY, RURAL BC

Statistics Canada Census, 2021



What about hybrid work arrangements? A significant share of the future workforce is likely to spend 2 or 3 days per week at their place of employment and the remainder working from home. The current Census cannot easily account for this employment structure, but perhaps changes will be in place by 2026 to directly measure hybrid work.

To make this general discussion more useful, we can use the city of Trail as an example of a situation where 2021 Census results need to be interpreted with care.

According to custom Census data, **in 2016 Trail had about 6,000 jobs** with a regular place of work within municipal boundaries. This included about 2,100 Trail residents and 3,900 commuters from other communities.

In the 2021 Census, Trail had 5,300 jobs within municipal boundaries. At first, this suggests that Trail lost 700 jobs! But a much better explanation is that a lot of former commuters into Trail were temporarily working from home. This temporarily depressed the Trail employment counts and inflated them in nearby communities.

Looking deeper at the data, the number of Trail residents working in Trail in the 2021 Census remained virtually unchanged at 2,100 (although a higher percentage worked from their homes).

Looking at where the commuting declines occurred, there were 200 fewer commuters from Rossland to Trail, while at the same time the number of home-based workers in Rossland increased by 265. There were almost 190 fewer commuters from Castlegar to Trail while the number of home-based workers in Castlegar increased by 340. The same is true for most other communities near Trail and supports the contention that the observed decline in Trail-based employment is a temporary COVID phenomenon.

To sum up, the 2021 Census results for employment were heavily influenced by COVID and should be interpreted with caution in understanding trends in rural BC communities.

CREDITS

This bulletin was prepared by Vann Struth Consulting Group Inc.



Community Futures British Columbia is part of the Western Canada Business Service Network, supported by Pacific Economic Development Canada.



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THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: May 31, 2023
Subject: Temporary Road Closure Application - Canada Day Parade 2023

RECOMMENDATION

THAT Council receives the City of Enderby Event Coordinator's Temporary Road Closure application (Canada Day Parade 2023) for information.

BACKGROUND

The City of Enderby Event Coordinator has submitted a Temporary Road Closure application (attached) for the Canada Day Parade scheduled for Saturday July 1, 2023. The applicant is proposing to close portions of Kate Street, Howard Avenue, Belvedere Street, Cliff Street and Railway Street between the hours of 11:30 am and 1:30 pm; although the streets will not be closed for the entirety of this time period, there will be temporary closures before and after the parade to accommodate set-up and clean-up.

The *Temporary Road Closures for Community Events Policy* has delegated authority to Staff to approve a Temporary Road Closure Application on behalf of Council, subject to the applicant meeting all of the requirements of the Policy. All first time events must be approved by Council. As this is not a first-time event and all requirements for a road closure have been met consistent with the *Temporary Road Closures for Community Events* policy, Staff have approved the application.

Respectfully Submitted,



Kurt Inglis
Planner

Schedule A
Application for a Temporary Road Closure for a Community Event

Is this a first-time or relocated event?

Yes

No

Name of Sponsoring Organization

City of Enderby

Name of Contact Person

Valerie Burne

Telephone or Email

Name of Event

Canada Day - Parade

Date(s) of Closure

July 01 2023

Start time for Closure

11:30

End time for Closure

1:30

Location of Closure

Parade Route : Kate St, Howard Ave
 Belvedere St, Cliff Ave to Railway St.

Required Attachments

- Map showing closure and emergency access route
- Petition of affected business owners (if applicable)
- Certificate of insurance (if applicable)

attached

Indemnity:

The applicant agrees to indemnify and save harmless the City of Enderby from and against any and all claims, including but not limited to harm, damage, injury, or loss to body or property caused by, arising from, or connected with any act or omission of the applicant or any agent, employee, customer licensee or invitee of the applicant, and against and from all liabilities, expense costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the property, facilities, or services of the City. The applicant will be required to obtain and keep in force throughout the period of use insurance in a form specified by the City of Enderby unless waived in writing.

Authorized Signatory

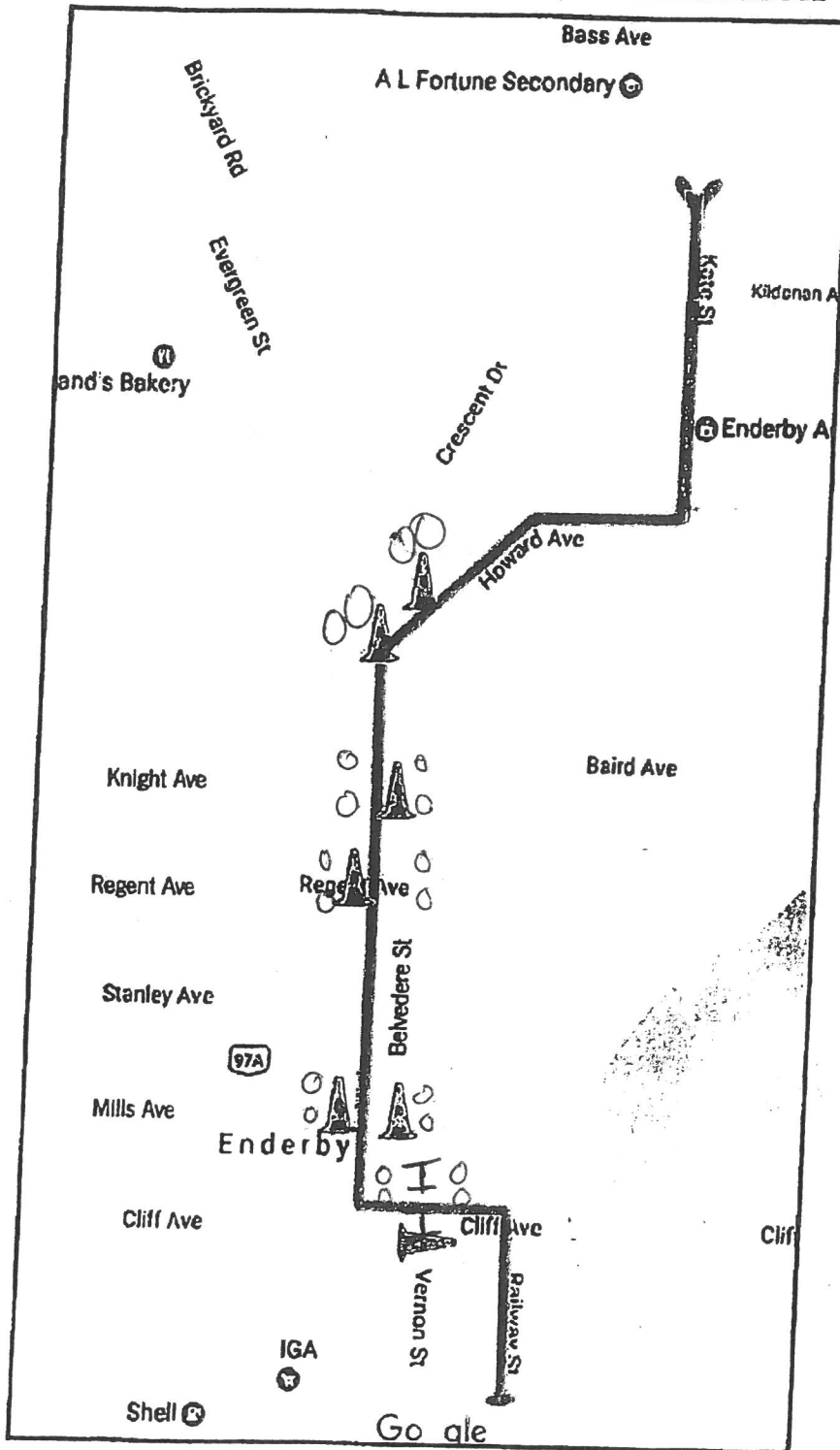



Date

May 16 / 2023

Do Not Complete - For Administrative Purposes			
Approved by	<u>Kurt Inglis</u>	Date	<u>May 24, 2023</u>
Certificate of Insurance	<u>Yes</u>	No	N/A
Map	<u>Yes</u>	No	N/A
Petition of Affected Business Owners	Yes	No	<u>N/A</u>

2019 CANADA DAY PARADE ROUTE



 Volunteers with Traffic sign and Safety Jacket

starting at 10:45
Opening road as Parade End goes by



20 delineators ○ 2 dropped @ every intersection
2 barricades I 2 dropped off @ cliff + Vernon St



MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: May 30, 2023
Subject: Notice of Motion (Councillor Ramey): Prohibition on the Use of Illegal Drugs in Public Spaces

NOTICE OF MOTION (RAMEY)

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

BACKGROUND

Councillor Ramey has submitted a notice of motion that Council directs staff to prepare a bylaw to prohibit the possession of illegal drugs in public spaces in the City of Enderby.

Councillor Ramey’s motion responds to the Province’s three-year exemption to the *Controlled Drug and Substances Act* with respect to the decriminalization of personal possession of illegal drugs (“the Exemption”). The Province applied for the Exemption as part of its public health response to overdose deaths and related harms, and is intended to reduce stigma and increase access to health and social services for people who use drugs.

The Exemption does not apply to schools, licensed childcare facilities, and airports, and there are special restrictions that apply to personal motor vehicles, watercraft, and public transit. Despite the limits on the Exemption, many public spaces that are frequented by children and vulnerable persons – many of which being owned, operated, and/or regulated by local governments – are not included within the scope of the Exemption’s limitations.

A number of local governments are preparing or have adopted bylaws regulating the possession of illegal drugs in public spaces. The Provincial response to these local government initiatives has evolved; however, as of a May 17, 2023 interview in the *Times Colonist* newspaper, Premier Eby indicated his support for local governments to use their powers to regulate for nuisances, noise, and public intoxication associated with the Province’s decriminalization initiative.

Should Council choose to support Councillor Ramey’s motion, staff will return with a bylaw and a report outlining the legislative authority to proceed. Council should be aware that there are legal limits to the fundamental powers available to local government as well as the manner in which such powers may be lawfully exercised without frustrating a Provincial purpose or risking

inconsistency with a Provincial enactment; these constraints will be reflected in the report and bylaw.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer