



THE CORPORATION OF THE CITY OF ENDERBY

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

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

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

Other: Press and Public

LAND ACKNOWLEDGEMENT

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

APPROVAL OF AGENDA

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

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of May 15, 2023

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

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

CARRIED

DEVELOPMENT MATTERS AND RELATED BYLAWS

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

Councillor Davyduke assumed the chair.

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

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

Don Chapman, 2106 Heitman Street, Enderby BC

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

Pauline C Chapman, 2106 Heitman Street, Enderby BC

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

Wayne and Heather Clancy, 2010 Heitman Street, Enderby BC

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

Lynn and Noel Enge, 2102 Heitman Street, Enderby BC

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

Lianne and Darwin Dwornik, 409 Bass Avenue, Enderby BC

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

Philip and Angela Gallant, 501 Bass Avenue, Enderby BC

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

Jacob and Pia Ypma, 415 Bass Avenue, Enderby BC

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

Lori Schneider, 2205 McGowan Street, Enderby BC

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

Chris Gilburg, 2205 McGowan Street, Enderby BC

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

Denise and Wade Chapman, 201 Bass Avenue, Enderby BC

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

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

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

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

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

- Concerns about drainage.

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

Stephen Zeron, 2201 McGowan Street, Enderby BC

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

Lynn Enge, 2102 Heitman Street, Enderby BC

- Concerns about drainage and privacy.

Colin Fothergill, 2105 Heitman Street, Enderby BC

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

Vallerie Zeron, 2201 McGowan Street, Enderby BC

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

Chairperson Davyduke invited the applicant to make representation.

Ron Mandair, Applicant

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

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

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

Mr. Mandair continued:

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

- Stated that it is important to him that the new development is consistent with the surrounding neighbourhood.

Chairperson Davyduke invited Council to ask questions of the Applicant.

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

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

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

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

Councillor Baird asked about the building scheme for the development.

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

Councillor Baird asked the Planner to speak on allowing suites.

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

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

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

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

Moved by Councillor Baird, seconded by Councillor Shishido

"THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as Lots 1, 2, 4-9, 28-34 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT PLAN EPP125705 and located at 2209, 2213, 2217, 2221, 2225, 2229, 2237, 2241 Heitman Street, Enderby BC and 2008, 2012, 2016, 2020, 2024, 2028, 2032 Viewmount Court, Enderby BC, to permit a variance to Section 603.10.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum front yard setback area for single-family dwellings from 8 m (26.25 feet) to 6 m (19.68 feet).

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

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

CARRIED

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

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

Development Variance Permit #0058-23-DVP-END

The Planner gave an overview of the application.

There were no written submissions.

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

Mayor Galbraith invited the applicant to make representation.

Eric Borhaven, Applicant

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

Earl Shipmaker, Owner

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

Council discussed the Subdivision Servicing Bylaw.

Chief Administrative Officer explained that staff agree that this is a somewhat unique situation, especially with the development taking place on the corner of two collector roads. This was

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

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

Council discussed the miscommunication between staff and the developer.

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

Brad Case, Owner

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

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

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

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

Moved by Councillor Ramey, seconded by Councillor Shishido
*"THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1702 and located at 186 Salmon Arm Drive, Enderby B.C. to permit a variance to Section 2.0 of Schedule "A" of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Cliffview Drive and Salmon Arm Drive adjacent to the proposed lots to be constructed to the centreline of the roads in accordance with the Collector Road standards, or to provide a cash-in-lieu payment equal to the cost of those works with the owners providing a reduced cash-in-lieu payment of **\$53,534.50**, for the proposed five-lot subdivision shown on the attached Schedule 'A'."*

CARRIED
OPPOSED Councillor Davyduke

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

BYLAWS

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

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

CARRIED

REPORTS

Mayor and Council Reports

Councillor Baird

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

Attended the Splatstin Community Breakfast.

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

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

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

Councillor Ramey

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

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

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

Councillor Yerhoff

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

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

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

Looking forward to the Splatsin Teaching Centre golf tournament fundraiser.

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

Councillor Davyduke

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

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

Councillor Shishido

Nothing to report.

Mayor Galbraith

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

Attended the Business After 5 event.

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

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

Chief Administrative Officer

The pool has been extremely busy.

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

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

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

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

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

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

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

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

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

The City of Enderby has now joined BCOneCall.

Council Inquiries

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

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

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

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

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

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

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

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

NEW BUSINESS

Proposed Code of Conduct

Moved by Councillor Baird, seconded by Councillor Ramey

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

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

CARRIED

UBCM 2023 Provincial Meeting Requests and Attendance

Moved by Councillor Baird, seconded by Councillor Davyduke

“THAT Council identifies

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

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

CARRIED

Community Futures Q1 Update

Moved by Councillor Baird, seconded by Councillor Davyduke

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

CARRIED

Temporary Road Closure Application – Canada Day Parade 2023

Moved by Councillor Shishido, seconded by Councillor Baird

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

CARRIED

NOTICES OF MOTION

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

Moved by Councillor Ramey, seconded by Councillor Baird

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

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public.

CLOSED MEETING RESOLUTION

Moved by Councillor Davyduke, seconded by Councillor Baird

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

CARRIED

ADJOURNMENT

Moved by Councillor Shishido, seconded by Councillor Baird

“THAT the regular meeting of June 5, 2023 adjourn at 8:28 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER