

REGULAR MEETING OF COUNCIL AGENDA

DATE: July 17, 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: 838 2675 6539
Passcode: 961658*

If you would like to attend this meeting by means of electronic facilities and do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.

*When applicable, public hearing materials are available for inspection at
www.cityofenderby.com/hearings/*

1. LAND ACKNOWLEDGEMENT

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

2. APPROVAL OF AGENDA

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of June 19, 2023

Page 3

4. DEVELOPMENT MATTERS AND RELATED BYLAWS

Official Community Plan Amendment, Rezoning and Zoning Amendment #0014-23-OR-END (First and Second Readings)

Page 12

Legal: Lot 1 Block 1 Section 26 Township 18 Range 9 West of the 6th Meridian
Kamloops Division Yale District Plan 1094 Except Plan M13332 and
Lot 2 Block 1 Section 26 Township 18 Range 9 West of the 6th Meridian
Kamloops Division Yale District Plan 1094

Address: 902 Regent Avenue, Enderby, BC V0E 1V1 (Lot 1) and 906 Regent
Avenue, Enderby, BC V0E 1V1 (Lot 2)

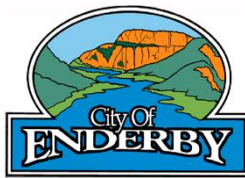
Applicant: James Kay

Owners: Teri Robson and Andrew Kivari

5. REPORTS

5.1 Mayor and Council Reports

- 5.2 Area F Director Report
- 5.3 Chief Administrative Officer Report
 - 5.3.1 Council Inquiries
 - RDNO Building Permit Report – June 2023 Page 32
- 6. NEW BUSINESS**
 - 6.1 Temporary Road Closure Application – Enderby Friday Night Lights 2023 Page 33
Memo prepared by Planner dated June 29, 2023
 - 6.2 Hazardous Materials Response Contract Renewal with City of Vernon, 2023-27 Page 37
Memo prepared by Chief Administrative Officer dated July 5, 2023
 - 6.3 Local Government Climate Action Program – 2023 Public Reporting Page 46
Memo prepared by Planner dated July 5, 2023
 - 6.4 Participation in the Inter-Municipal Accessibility Advisory Committee Page 57
Memo prepared by Chief Administrative Officer dated July 10, 2023
 - 6.5 Appointment to the Shuswap Trails Roundtable Page 64
Memo prepared by Chief Administrative Officer dated July 10, 2023
 - 6.6 Participation in the RDNO Mosquito Control Pest Management Plan Page 67
Memo prepared by Chief Administrative Officer dated July 12, 2023
 - 6.7 Digital Billboard Sponsorship Application and Policy Exemption - Grindrod Garlic Festival Society Page 71
Memo prepared by Planner dated July 12, 2023
 - 6.8 Mary Jane Rigs 'n Cannabis Request to Amend Business License Regulations Related to Retail of Cannabis Page 76
Memo prepared by Planner dated July 12, 2023
 - 6.9 Request to Place a Portable Flag Sign on the Sidewalk Adjacent to 611 Cliff Avenue Page 87
Memo prepared by Planner dated July 12, 2023
- 7. PUBLIC QUESTION PERIOD**
- 8. CLOSED MEETING RESOLUTION**
Closed to the public, pursuant to Section 90 (1) (f) and Section 90 (2) (d) of the Community Charter
- 9. ADJOURNMENT**



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, June 19, 2023 at 4:30 p.m. in Council Chambers.

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

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

Other: Press and Public

LAND ACKNOWLEDGEMENT

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

APPROVAL OF AGENDA

Moved by Councillor Baird, seconded by Councillor Davyduke
“THAT the June 19, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of June 5, 2023

The minutes of June 5, 2023 incorrectly listed Councillor Schreiner as present.

Moved by Councillor Yerhoff, seconded by Councillor Ramey
“THAT the June 5, 2023 Council Meeting minutes be adopted as amended.”

CARRIED

DEVELOPMENT MATTERS AND RELATED BYLAWS

Development Variance Permit #0061-23-DVP-END

The Planner gave an overview of the application.

Mayor Galbraith invited members of the public to make representation.

John Brennan, 1104 High Street

- Concerns not with the application at hand, but with the forthcoming rezoning and the project planned for Lot B.
- Concerns that the new development will change the character of the neighbourhood.
- Concerns about trees being removed from the subject properties.

Mayor Galbraith invited the applicant to make representation.

James Kay, Applicant

- Explained that the purpose of this application is to legalize the lots to allow the proposed boundary lot adjustment subdivision to proceed.

Councillor Baird asked the Planner if there are any plans for the unconstructed portion of Regent Avenue.

Planner responded that there are no plans to construct a road given the steep grade, but it is currently being used for underground utilities.

Councillor Baird asked the applicant what the plans are for development of proposed Lot B.

Mr. Kay explained that a rezoning application is forthcoming, and that the vision for the lot is to build three dwelling units on the property.

The Planner clarified that if Council decides to approve the variances in this application, it has no effect on their ability to approve or deny the forthcoming re-zoning application, or any future variance applications that may be brought forward.

Councillor Ramey asked if the lots could be developed as they are.

The Planner responded that, as the lots are now, the single-family dwelling straddles the lot line between Lots 2 and 3, and Lot 1 and 4 have minimal development potential because of their size.

Councillor Davyduke asked whether waiving the requirement for construction to centreline at this stage will apply to future applications that may involve additional density.

The Planner responded that any further development that results in an increase in density will trigger this requirement again, and could only be waived through a further variance application.

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE

DISTRICT PLAN 1904 and located at 117 Cliffview Drive, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC to permit a variance to Section 602.10.d by reducing the minimum rear yard setback area for the single-family dwelling on proposed Lot A, from 6 m (19.68 feet) to 1.2 m (3.94 feet), as shown on the attached Schedule 'A';

AND THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 906 Regent Avenue, Enderby BC, iii) LOT 3 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 and located at 117 Cliffview Drive, and iv) LOT 4 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1904 EXCEPT PLAN M8147 and located at 117 Cliffview Drive, Enderby BC, to permit a variance to the following Sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

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

CARRIED

Road Closure Request – Unconstructed Portion of Regent Avenue Between High Street and Cliffview Drive

The Planner gave an overview of the request.

Councillor Ramey asked if this request would close the entire unconstructed portion of Regent Avenue.

The Planner responded that this request is only to close the portion that would end at the western property line of Lot B.

Councillor Baird asked about potential use of the land if the road is closed and sold.

Chief Administrative Officer responded that the depth of the waterline running through the unconstructed road needs to be verified. Once the depth of the line is confirmed, appropriate uses for that land can be determined.

Moved by Councillor Schreiner, seconded by Councillor Ramey

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

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

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

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

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

CARRIED

BYLAWS

Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023

Councillor Yerhoff asked how removing a person from a public space works.

Chief Administrative Officer responded that a peace officer would ask the person to leave or, if they refused, would contact the RCMP to assist in providing them with education resources and move them along. Explained that this bylaw regulates only for the display and use of illegal drugs, not possession.

Councillor Yerhoff asked if there has been an increase in resources used and reports of drug use since January.

Chief Administrative Officer responded that there has not been a change in resources used. There have been reports from the garden contractor of paraphernalia found in garden beds in the City.

Councillor Schreiner asked if the RCMP are obligated to enforce our bylaws.

Chief Administrative Officer responded that they are not obligated, but do have the authority to enforce our bylaws. Noted that the RCMP have already been advised that Council is considering this bylaw.

Councillor Ramey asked if this bylaw is in line with other municipalities.

Chief Administrative Officer responded that this bylaw is on the stronger side of bylaws that have been or are being adopted by other municipalities.

Moved by Councillor Ramey, seconded by Councillor Baird

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

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

CARRIED

REPORTS

Mayor and Council Reports

Councillor Shishido

The Enderby & District Museum Society is receiving funding from RDNO towards restoration of Enderby's first fire truck.

Attended a men's ball tournament at Riverside Park last weekend. Reported that the fields were very well maintained on the first day but could have used more attention on the second day of the tournament. Also reported that the food from the concession vendor was excellent.

Asked about the installation of a water bottle filling station at Riverside Park.

Chief Administrative Officer responded that a more cost effective solution has been found to add fixtures inside the washrooms to allow water bottles to be filled. These fixtures cost less and will be more cost effective to repair if vandalized.

Councillor Davyduke

Attended the graduation ceremony for A.L. Fortune. Reported that it was well done and was an honour to represent Council.

Has received good feedback about the concession at Riverside Park.

Reported that there are lots of people starting to use the river and lots of people at the Riverside RV Park.

Councillor Yerhoff

Attended a FACT Meeting.

Attended the Splat sin Tsm7aksaltn golf tournament fundraiser.

The Harvest Hut has been very successful so far this year.

Reported that the edible landscaping in the breezeway is looking great.

Attended a bingo night at the Senior's Centre.

Councillor Schreiner

Attended the Music by the River that was moved to the Drill Hall.

Will be attending an upcoming Rail Trail Advisory Meeting.

Will also be attending an upcoming meeting regarding Highway 97.

Splat sin is hosting an event for National Indigenous Peoples Day on Wednesday.

Councillor Ramey

Attended the car show at Parkview Place. Reported that it was a great event.

Fifty to 60 people were in attendance for the Music by the River Event at the Drill Hall.

Attended a Strategic Planning Session for the Okanagan Regional Library.

Councillor Baird

Reported that the Harvest Hut has been busy so far this year.

Attended the Parkview Place Car Show.

Attended the Music by the River event at the Drill Hall.

Finishing up planning for Canada Day.

Mayor Galbraith

Thanked Councillor Davyduke for filling in for him at the graduation ceremony.

Reported that there was a great turnout at the Splat sin Tsm7aksaltn golf tournament.

Attended a Mabel Lake Shareholders meeting with Splat sin Development Corporation.

Was invited to be a Reviewing Officer for the Cadets. Reported that they would be happy to contribute to community events if called upon.

Area F Director

Area F Director Hopkins reported that she had a productive Master Parks Planning meeting with members of Splatsin.

Has formed a regional Agrihub Group with the Regional District of North Okanagan with a location in Spallumcheen.

From the COVID-19 Safe Restart Grant, \$5000 has been allocated to the Enderby & District Museum Society for restoration of Enderby's first firetruck, \$6000 has been allocated to Recreation Services for the River Ambassador Program, and \$10,000 has been allocated to the Feed Enderby and District Food Bank.

There is a feasibility study ongoing for management of mosquitos. Suggested that there may be an opportunity for Enderby to be involved in this study.

Attended the first Strategic Planning session with the Okanagan Regional Library Board.

Reported that she is looking forward to the Canada Day parade.

Chief Administrative Officer

Line painting has been completed.

Tuey Park and Kildonan Boat Launch are now open to the public.

The website page for the Canada Day event is now live including the poster and logos for all sponsors supporting the event.

There is a pool inspection coming up on June 27th and a Water Treatment Plant inspection coming up in the first week of July.

Had another meeting with North Okanagan local government corporate officers to discuss the regional accessibility committee. The terms of reference for this initiative is now going to be reviewed by the Regional District Board. Once approved, the request for Council to formally join the committee will be brought forward.

Planning for the replacement of Reservoir #1 is ramping up. There is a lot of big picture analysis needed to ensure that the new Reservoir #1 is sized adequately for future needs.

2022 Annual Report

No public representations were made respecting the 2022 Annual Report.

Moved by Councillor Baird, seconded by Councillor Shishido
"AND THAT Council approves the 2022 Annual Report."

CARRIED

RDNO Building Permit Report – May 2023

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

CARRIED

NEW BUSINESSMobile Vendor Request – Philly Dogs (Phil Adkins and Isabelle Castella)

Isabelle Castella gave an overview of the application.

Councillor Baird asked where at Tuey Park the applicants are planning to set up.

Chief Administrative Officer replied that this location has been left open ended on purpose so that the applicants can decide what location will work best for them. Noted that in the past, vendors have set up at the northeast corner of the parking lot.

Councillor Ramey asked if this application would allow the applicant to set up at locations other than the two specified.

Chief Administrative Officer responded that this application only allows the applicant to operate at the locations specified, but that he will pass their contact information to the Events Coordinator for opportunities to participate as a food vendor at community events.

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

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

CARRIED

CLOSED MEETING RESOLUTION

Moved by Councillor Shishido, seconded by Councillor Yerhoff
“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) and (e) of the Community Charter”

CARRIED

MATTERS RELEASED FROM IN-CAMERA

Construction of Retaining Wall for Upper Portion of Trail Connecting Francis Drive to Cliff Avenue

Moved by Councillor Shishido, seconded by Councillor Baird

“THAT Council authorizes an expenditure of \$6,000, funded through the Local Government Climate Action Program, to fund the construction of a retaining wall for the upper portion of the trail connecting Francis Drive to Cliff Avenue;

AND THAT this resolution, but not the contents of the memorandum, be released from in-camera.”

CARRIED

ADJOURNMENT

Moved by Councillor Davyduke, seconded by Councillor Baird

“THAT the regular meeting of June 19, 2023 adjourn at 6:18 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT, REZONING AND ZONING
AMENDMENT APPLICATION

AGENDA

File No: 0014-23-OR-END
July 13, 2023

APPLICANT: James Kay

OWNER(S): Teri Robson and Andrew Kivari

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

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

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

LOCATION(S): 902 Regent Avenue, Enderby BC (Lot 1)
906 Regent Avenue, Enderby BC (Lot 2)

PROPERTY SIZE(S): 902 Regent Avenue – 353.1 m² (3,801 square feet)
906 Regent Avenue – 613.2 m² (6,600 square feet)

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

PROPOSED ZONING: Residential Multi-Family Low Intensity (R.3-A)

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

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

**PROPOSED TEXT
AMENDMENT:** Reduce the minimum lot area for three-family dwelling from 1,000 m² (10,764
square feet) to 700 m² (7,535 square feet); Increase the maximum permitted
gross density from 41 units/hectare to 42 units/hectare

PROPOSAL: Construct a three-family dwelling

RECOMMENDATION:

THAT City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023 which proposes to change the future land use designation for a 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as Lot B on Schedule 'A' attached to and forming part of Bylaw No. 1773, from *Residential Low Density* to *Residential Medium Density*, be given First Reading;

AND THAT after First Reading of City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023 and in accordance with Sections 473 (2.1) and 477 of the *Local Government Act*, Bylaw No. 1773 be considered in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023 in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1773 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1774, 2023 which proposes the following for a 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as Lot B on Schedule 'A' attached to and forming part of Bylaw No. 1773:

1. Rezone the land from the *Residential Single Family (R.1-A)* zone to the *Residential Multi-Family Low Intensity (R.3-A)* zone;
2. Reduce the minimum lot area for three-family dwellings from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet); and
3. Increase the maximum permitted gross density from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre),

be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application for the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC. The properties are currently subject to a boundary lot adjustment which would see the two subject parcels, along with the two parcels directly to the west, consolidated into two larger parcels (proposed Lots A and B), as shown on the attached Schedule 'A'. The applicant is proposing to rezone proposed Lot B from the *Residential Single Family (R.1-A)* zone to the *Residential Multi-Family Low Intensity (R.3-A)* zone and to change the Official Community Plan (OCP) designation of the property from *Residential Low Density* to *Residential Medium Density*. The applicant is also proposing to amend the text of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for three-family dwellings on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet), and increase the maximum permitted gross density for Lot B from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre). The purpose of the Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application is to enable the construction of a three-family dwelling on the proposed Lot B.

Site Context

Lot 1 (902 Regent Avenue) is 353.1 m² in area and fronts both High Street and the unconstructed portion of Regent Avenue, while Lot 2 (906 Regent Avenue) is 613.2 m² in area and only fronts the unconstructed portion of Regent Avenue. Both lots slope steeply from west to east, with no driveway accesses to either of the lots. Lot 1 does not have any improvements on it. Lot 2 has a single-family dwelling that straddles the shared lot line with the adjacent property to the west.

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

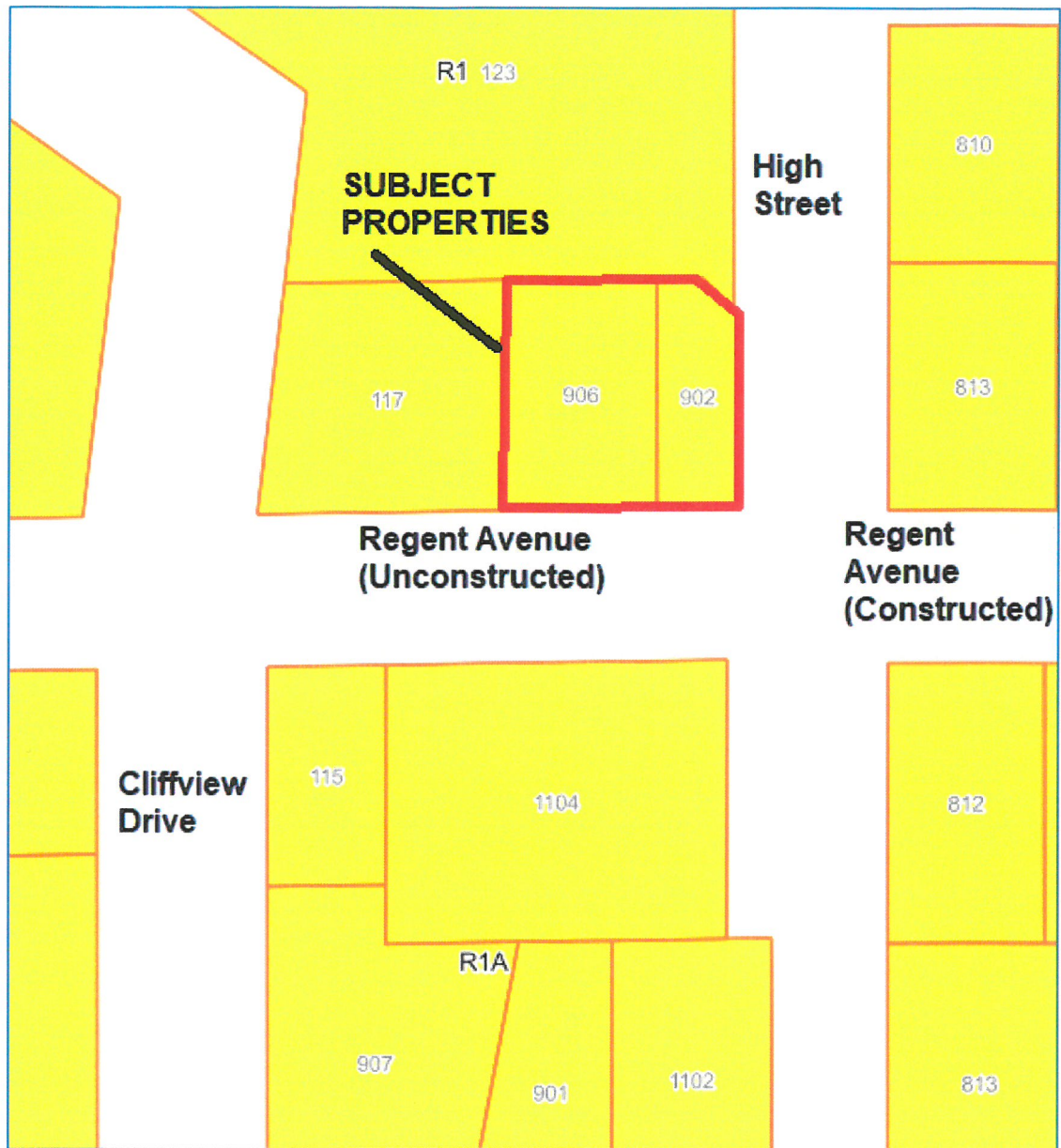


Figure 1: Zoning Map

Yellow - Residential Single-Family (R.1/R.1-A)

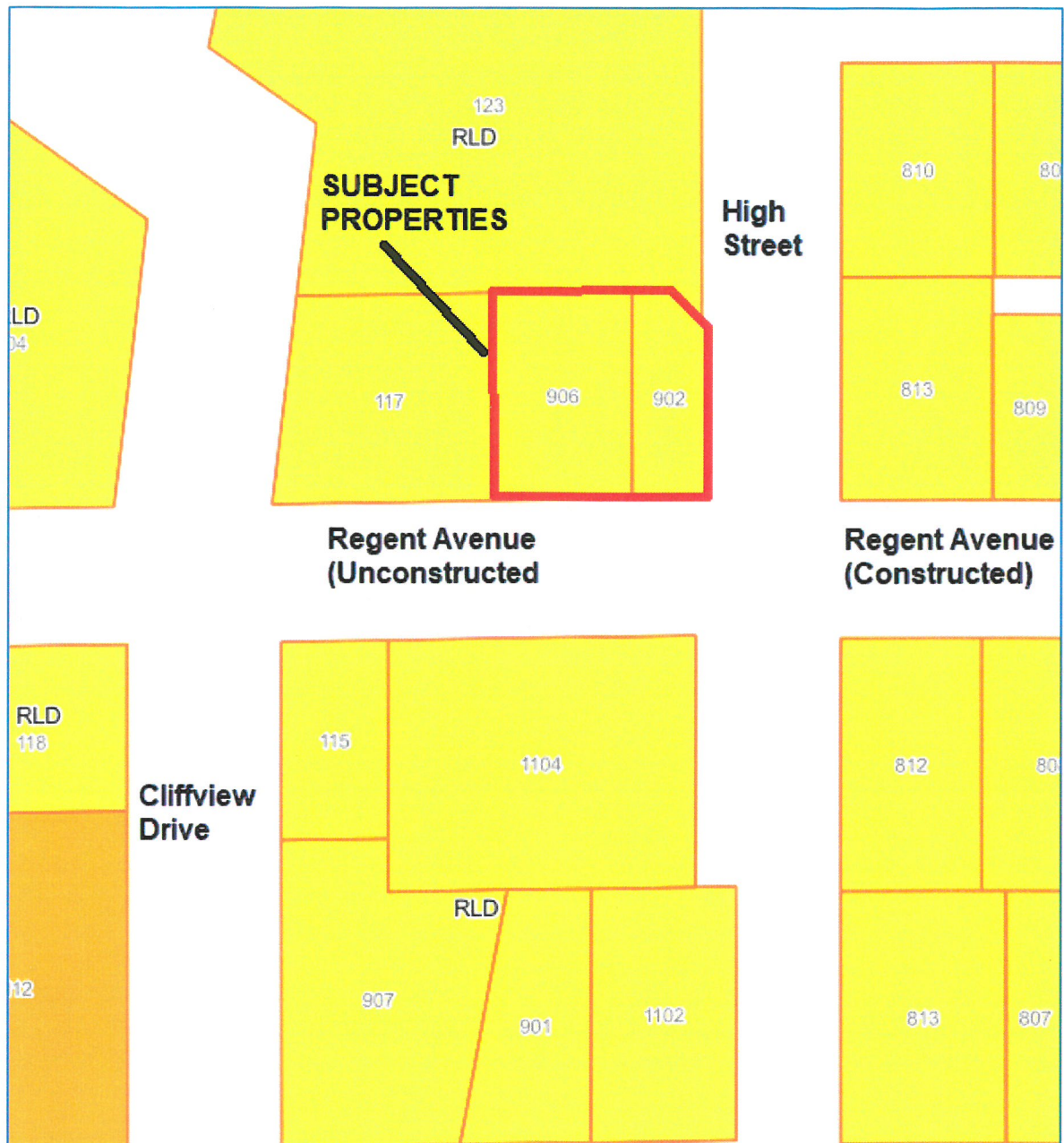


Figure 2: OCP Future Land Use Designations

Yellow – Residential Low Density
Brown – Country Residential

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 3: Orthophoto

****NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

The Proposal

The applicant is proposing a boundary lot adjustment subdivision which would see the two subject parcels, along with the two parcels directly to the west (which together form 117 Cliffview Drive), consolidated into two larger parcels; proposed Lot A would be 1,130 m² (0.28 acres) in area and proposed Lot B would be 722.4 m² (0.18 acres) in area, as shown on the attached Schedule 'A'. The proposed boundary lot adjustment subdivision is intended to remedy an issue whereby an existing single-family dwelling straddles the shared lot line between Lot 2 and the neighbouring lot directly to

the west; after the proposed boundary lot adjustment subdivision is complete, the dwelling would become entirely located on proposed Lot A.

The applicant is proposing to construct a three-family dwelling on proposed Lot B, as shown on the conceptual plan attached to this Report as Schedule 'B'. It should be noted that at this point in the development process, the attached plan is purely conceptual, and if a rezoning and zoning text amendment were to be approved, the applicant would not be tied to this proposed use or layout of the property. Although the applicant may intend to develop the property in accordance with the attached conceptual plan, it is important to note that the property could develop in any manner that is consistent with regulations of the Zoning Bylaw and respects any charges registered against the title of the property (Section 219 covenant, statutory building scheme, etc.). Furthermore, it should be noted that the conceptual plan shows certain elements of the development being located within the High Street road dedication, such as the parking area; this is due to the fact that when the applicant developed the conceptual plan, they were pursuing a road closure and purchase for half of the adjacent High Street dedication and half of the adjacent unconstructed Regent Avenue dedication. During preliminary conversations between Staff and the applicant, Staff advised that closure of the adjacent portion of High Street was unlikely to receive a favourable Staff recommendation for a number of reasons; in response, the applicant revised their request to only include the unconstructed portion of Regent Avenue. Should that road closure and purchase process for the unconstructed portion of Regent Avenue be completed, and the road area is consolidated with the adjacent Lot B, it is anticipated that the conceptual plan would be reconfigured to reflect the additional lot area (i.e. access, parking).

The applicant has now submitted a Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application which proposes the following in order to enable the construction of a three family dwelling on proposed Lot B:

1. Change the future land use designation for proposed Lot B from *Residential Low Density* to *Residential Medium Density*;
2. Rezone proposed Lot B from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Low Intensity (R.3-A) zone;
3. Reduce the minimum lot area for three-family dwellings on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet); and
4. Increase the maximum permitted gross density for proposed Lot B from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre).

Development History

As part of the boundary lot adjustment subdivision process, the applicant previously applied to Council requesting to vary the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum rear yard setback for an existing single-family dwelling on proposed Lot A from 6 m (19.68 feet) to 1.2 m (3.94 feet), and to vary the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by, i) not requiring the portions of High Street and Regent Avenue adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road standards, ii) not requiring

the portion of Cliffview Drive adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Collector Road standards, iii) not requiring the provision of ornamental street lighting, and iv) not requiring the provision of underground wiring for power, telephone and cablevision. Council approved the variance requests.

The applicant also previously submitted a request to purchase the unconstructed portion of Regent Avenue between High Street and Cliffview Drive for the purposes of consolidating it with proposed Lot B, with the intent being to increase the lot area such that it would provide the proposed lot with additional flexibility for future development; Council resolved to accept the offer, subject to a number of conditions.

It should be noted that Council's previous decisions with respect to the variance requests and road purchase have not resulted in any expressed or implied commitment to the approval of this Joint OCP Amendment, Rezoning and Zoning Text Amendment application. If this application is approved, it would facilitate the development of a three-family dwelling on the proposed Lot B; if not approved, proposed Lot B could only develop in accordance with its current Residential Single-Family (R.1-A) zoning designation (i.e. single-family dwelling, with or without an attached secondary suite).

ZONING BYLAW:

The property is zoned Residential Single Family (R.1-A) and the permitted uses within this zone include:

- Accessory residential buildings
- Single-family dwellings
- Attached secondary suites
- Bed and breakfasts
- Civic and public service use
- Restricted agricultural use.

Uses within the proposed Residential Multi-Family Low Intensity (R.3-A) 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
- Bed and breakfasts
- Civic and public service use

The Residential Multi-Family Low Intensity (R.3-A) zone specifies a maximum permitted gross density of 41 units per hectare (16.59 units per acre); given proposed Lot B's lot area of 722.4 m² (0.1785 acres), the maximum number of dwelling units currently permitted on the property is 2. In order to accommodate the development of a three-family dwelling on proposed Lot B, the applicant is requesting an amendment to the Zoning Bylaw to increase the maximum permitted gross density from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre), which would increase the maximum number of dwelling units on the property to 3.

The minimum lot area requirements within the R.3-A zone are as follows:

- Single-family dwellings = 350 m² (3,767 square feet)
- Two-family dwellings = 700 m² (7,535 square feet)
- Three-family dwellings = 1,000 m² (10,764 square feet)
- Four-family dwellings = 1,300 m² (13,993 square feet)
- Row housing unit = 220 m² (2,368 square feet) for inside units
330 m² (3,552 square feet) for end units

Given proposed Lot B's lot area of 722.4 m² (7,775.8 square feet), the only types of residential uses that are currently permitted on the property would be a single-family dwelling or a two-family dwelling. Given this, the applicant is proposing to reduce the minimum lot area for a three-family dwelling on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet).

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 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.i - Council will employ Smart Growth principles in future development.

- Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.
- Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.
- 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.

HOUSING NEEDS REPORT

As per Section 473 (2.1) of the *Local Government Act*, when a local government is amending its OCP in relation to statements or map designations relating to the location, amount, type and density of residential development required to meet anticipated housing needs, the local government must consider its most recently received Housing Needs Report. The City of Enderby received its first Housing Needs Report at the Regular Council Meeting of November 2, 2020, which can be accessed through the following link:

<https://www.cityofenderby.com/enderby-housing-needs-assessment-report/>

An overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report is provided in the Planning Analysis section of this report.

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- City of Enderby Chief Financial Officer;
- Building Inspector;
- Fire Chief;
- Regional District of North Okanagan Solid Waste Department; and
- Ministry of Transportation and Infrastructure.

The Development Services Officer with Ministry of Transportation advised that City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1774, 2023 had received preliminary approval.

The Chief Financial Officer provided the following comments:

The application will have no material impact to our Financial Plan.

No other comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application which proposes the following as part of the proposed construction of a three-family dwelling on proposed Lot B:

1. Change the future land use designation for proposed Lot B from *Residential Low Density* to *Residential Medium Density*;
2. Rezone proposed Lot B from the *Residential Single Family (R.1-A)* zone to the *Residential Multi-Family Low Intensity (R.3-A)* zone;
3. Reduce the minimum lot area for three-family dwellings on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet); and
4. Increase the maximum permitted gross density for proposed Lot B from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre).

Upon consideration of input received at a Public Hearing, it is recommended that Council approve the application for the following reasons:

- The proposal would only result in the maximum number of dwelling units permitted on the lot being increased from two (single-family dwelling with attached secondary suite) to three (three-family dwelling);
- The proposal would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
 - More efficient use of land by increasing the ratio of improvement-to-land values;
 - Reducing pressures related to greenfield development and boundary expansion which in turn facilitates urban containment and rural protection;
 - Focusing future growth within developed areas of the community in order to maximize the value of existing infrastructure; and
 - Adding residential capacity without encroaching upon rural areas.
- The proposed development of the property to a more intensive residential land use would result in additional housing within the community, while broadening the spectrum of housing choices (i.e. smaller dwellings, rental housing), both of which are key elements of Smart Growth.
- The proposal would increase the yield of dwelling units that could be accommodated on the subject property (i.e. single-family dwelling with attached secondary suite vs. a three-family dwelling), which would work towards achieving objectives within the City of Enderby Housing Needs Assessment Report related to increasing the availability of housing within the community. Furthermore, the proposal would broaden the spectrum of housing choices (i.e. smaller dwellings, rental housing) in the community, which would work towards achieving the Report's objectives related to increasing housing types and rental inventory.
- Although the subject property has significant grades which may affect access and constructability for a three-family dwelling, the proposed development is still required to be in accordance with all local bylaws; if the applicant is not able to construct a three-family dwelling

in accordance with local bylaws, they would be required to submit a Development Variance Permit application and Council could consider the merits of the proposed development at that time.

- Although the proposed development would be a departure from the existing scale of development in the neighbourhood, which is almost entirely single-family, the proposed development only represents a slight increase in total density for the site (i.e. increase in maximum number of dwellings units from two to three); given this, it is not anticipated that the proposed development would result in traffic that exceeds the capacity of the adjacent road network nor negatively impact the form, character or use of the broader neighbourhood.

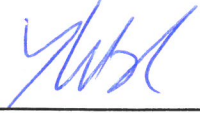
Notwithstanding the above, it should be noted that if the road closure and purchase process for the unconstructed portion of Regent Avenue is completed, and the road closure area is consolidated with proposed Lot B, Lot B's area would be increased to from 722.4 m² (7,775.8 square feet) to approximately 1,162 m² (12,508 square feet). Under that scenario, the proposed increase to the maximum permitted gross density of Lot B would result in the maximum number of dwelling units on the property being increased from three to four. Having said that, proposed Lot B would still not have sufficient area to accommodate a four-family dwelling, nor a row housing (i.e. four unit block) once you factor in the road dedication that would be required in order to service the row housing development with a rear lane pursuant to Section 604.a.11.d of the Zoning Bylaw; given this, even if the road closure and purchase process for the unconstructed portion of Regent Avenue is completed, and the road closure area is consolidated with proposed Lot B, the maximum number of dwelling units that could be developed on the property is three, unless the applicant was successful in a subsequent Zoning Text Amendment application which reduced the minimum lot size for four-family dwellings or row housing.

SUMMARY

This report relates to a Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application for the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC. The properties are currently subject to a boundary lot adjustment which would see the two subject parcels, along with the two parcels directly to the west, consolidated into two larger parcels (proposed Lots A and B), as shown on the attached Schedule 'A'. The applicant is proposing to rezone proposed Lot B from the *Residential Single Family (R.1-A)* zone to the *Residential Multi-Family Low Intensity (R.3-A)* zone and to change the Official Community Plan (OCP) designation of the property from *Residential Low Density* to *Residential Medium Density*. The applicant is also proposing to amend the text of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for three-family dwellings on proposed Lot B from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet), and increase the maximum permitted gross density for Lot B from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre). The purpose of the Joint Official Community Plan Amendment, Rezoning and Zoning Text Amendment Application is to enable the construction of a three-family dwelling on the proposed Lot B.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



Tate Bengtson
Chief Administrative Officer

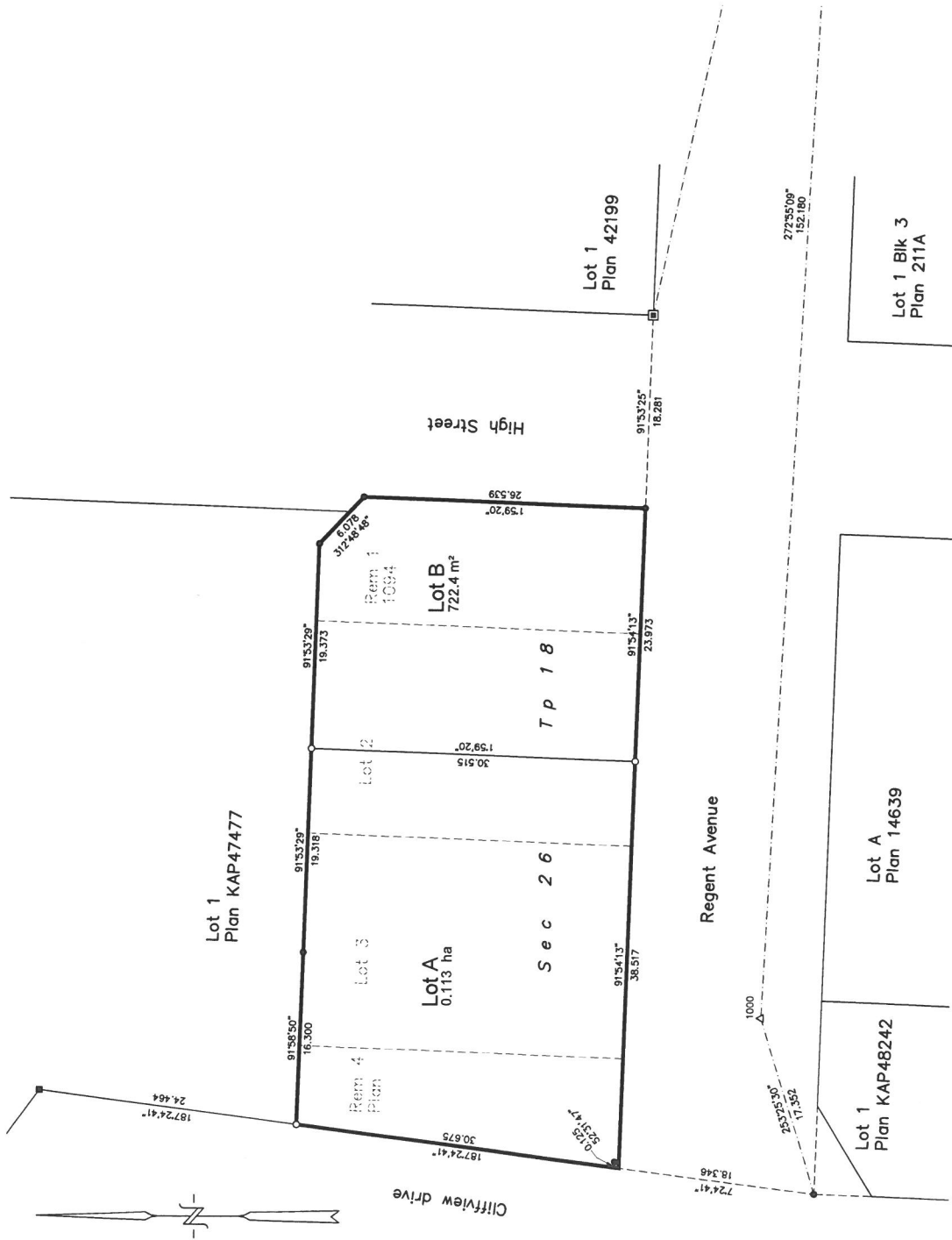
Schedule 'A'

id: 0181881-47C9-ED1-5A-71-4C803F-4F5B

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

BCGS 82L.055

6 0 6 12 18
All distances are horizontal ground level, in metres and decimals thereof.
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:300



LEGEND

- DENOTES LEAD PLUG FOUND
- DENOTES DOWNDOWN IRON POST FOUND
- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- △ DENOTES TRAVERSE HUB SET

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.

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

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED USING 15 HOURS OF GNSS DUAL FREQUENCY OBSERVATIONS AND POST-PROCESSING USING THE CANADIAN ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE NOTED. DISTANCES TO THE CENTRAL MERIDIAN OF UTM ZONE 11 NORTH ARE DERIVED FROM THE AVERAGE COMBINED FACTOR OF 0.9998276. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 353 METRES.

| | |
|-----------------------------|---------------------------------|
| REFERENCE POINT 1000 | 5602288.676 |
| UTM EASTING | 348037.250 |
| DATUM | NAD83 (CSRS)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | 0.05m |
| COMBINED FACTOR | 0.9998262 |
| REFERENCE POINT 1005 | 5602326.357 |
| UTM EASTING | 348006.371 |
| DATUM | NAD83 (CSRS)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | 0.05m |
| COMBINED FACTOR | 0.9998266 |

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.

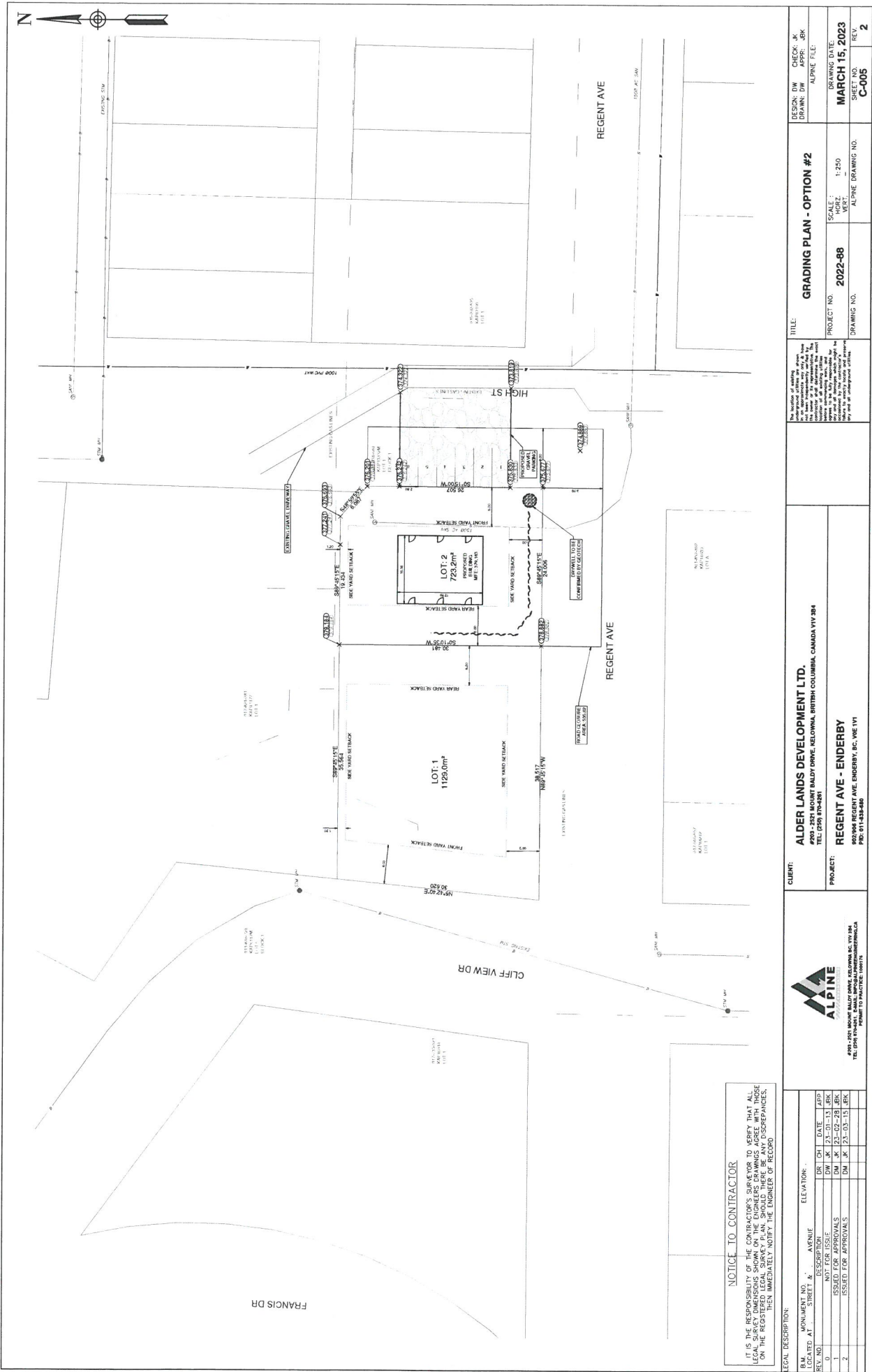
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE DAY OF FEBRUARY, 2023.

JASON RUSSELL SHORTT, BCLS # 770

russell shortt
land SURVEYORS

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

Schedule 'B'



NOTICE TO CONTRACTOR
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR'S SUPERVISOR TO VERIFY THAT ALL LEGAL SURVEY DIMENSIONS SHOWN ON THE ENGINEER'S DRAWINGS AGREE WITH THOSE ON THE RECORD DRAWINGS. IF ANY DISCREPANCIES ARE FOUND, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF RECORD.

| LEGAL DESCRIPTION | B.M. | MONUMENT NO. | STREET | AVENUE | ELEVATION |
|-------------------|------|--------------|---------------|----------|-----------|
| 1 | 0 | 1 | CLIFF VIEW DR | 23-03-13 | 237 |
| 2 | 1 | 2 | FRANCIS DR | 23-03-13 | 237 |
| 3 | 2 | 3 | CLIFF VIEW DR | 23-03-13 | 237 |
| 4 | 3 | 4 | FRANCIS DR | 23-03-13 | 237 |



ALPINE
 4903-2521 MOUNT BALDY DRIVE, KELLOWNA, BC, V1Y 3M4
 TEL: (250) 870-4801 FAX: (250) 870-4801

CLIENT:

ALDER LANDS DEVELOPMENT LTD.
 #903-2521 MOUNT BALDY DRIVE, KELLOWNA, BRITISH COLUMBIA, CANADA V1Y 3M4
 TEL: (250) 870-4801

PROJECT:

REGENT AVE - ENDERBY
 990-990 REGENT AVE, ENDERBY, BC, V1E 1Y1
 PLS 111 864-000

THE LOCATION OF SETTING OUT AND THE DIMENSIONS SHOWN ON THIS DRAWING ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF SETTING OUT AND THE DIMENSIONS SHOWN ON THIS DRAWING ARE APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF SETTING OUT AND THE DIMENSIONS SHOWN ON THIS DRAWING ARE APPROXIMATE.

TITLE: GRADING PLAN - OPTION #2

PROJECT NO. 2022-88

SCALE: 1:250
 VERT. 1:250

DESIGN: DW
 DRAWN: DW
 CHECK: JK
 APPR: JK

ALPINE FILE

DRAWING DATE: MARCH 15, 2023

SHEET NO. C-005
 REV. 2

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1773

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 2014";

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

1. This bylaw may be cited as the "City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023".
2. The future land use designation of a 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as 'Lot B' on Schedule 'A' attached to and forming part of this Bylaw, is hereby changed from *Residential Low Density* to *Residential Medium Density*.

READ a FIRST time this day of , 2023.

READ a SECOND time this day of , 2023.

Advertised on the day of , 2023 and the day of , 2023, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2023.

READ a THIRD time this day of , 2023.

ADOPTED this day of , 2023.

MAYOR

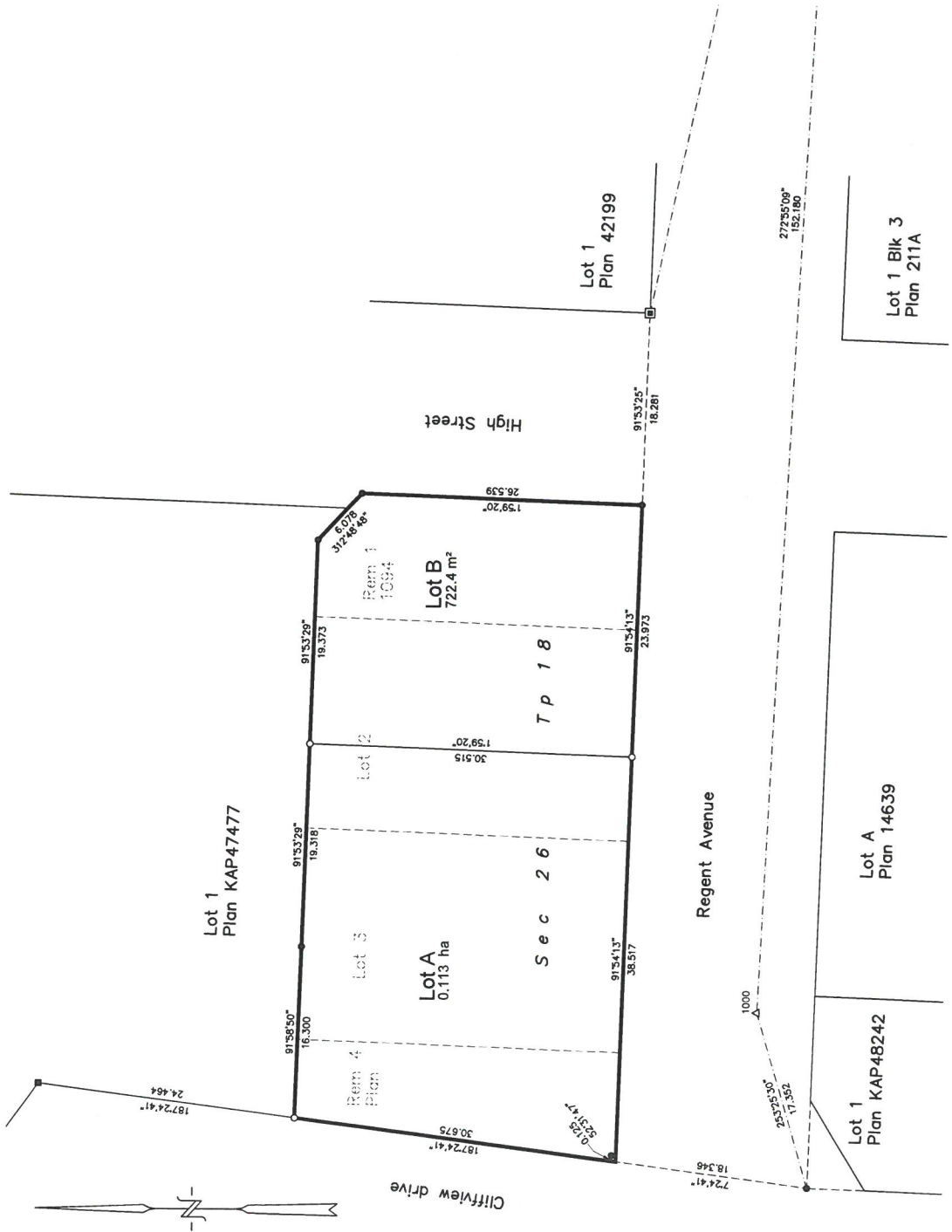
CORPORATE OFFICER

Schedule 'A'

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

BCGS 82L.055

6 0 6 12 18
All distances are horizontal ground level, in metres and decimals thereof
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:300



LEGEND

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

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.
GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL CARRIER PHASE GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11 NORTH.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED USING 3 HOURS OF GNSS DUAL FREQUENCY OBSERVATIONS ACQUIRED AND PROCESSED USING THE CORS-APP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND DISTANCES BY THE CORRECTION FACTOR. THE CORRECTION FACTOR IS THE AVERAGE CORRECTION FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 353 METRES.

| | |
|-----------------------------|----------------------------------|
| REFERENCE POINT 1000 | 5602289.676 |
| UTM NORTHING | 5602289.676 |
| UTM EASTING | 440083.371 |
| DATUM | NAD83 (GSRSS)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | IS 0.05m |
| COMBINED FACTOR | IS 0.9998262 |

| | |
|-----------------------------|----------------------------------|
| REFERENCE POINT 1005 | 5602289.357 |
| UTM NORTHING | 5602289.357 |
| UTM EASTING | 440083.371 |
| DATUM | NAD83 (GSRSS)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | IS 0.05m |
| COMBINED FACTOR | IS 0.9998236 |

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

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

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

russell shortt
land SURVEYORS

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

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1774

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

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

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1774, 2023".
2. The zoning designation of a 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as 'Lot B' on Schedule 'A' attached to and forming part of this Bylaw, is hereby changed from the *Residential Single Family (R.1-A)* zone to the *Residential Multi-Family Low Intensity (R.3-A)* zone.
3. The minimum lot area for three-family dwellings on the 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as 'Lot B' on Schedule 'A' attached to and forming part of this Bylaw, is hereby reduced from 1,000 m² (10,764 square feet) to 700 m² (7,535 square feet).
4. The maximum permitted gross density for three-family dwellings on the 722.4 m² (7,775.8 square foot) portion of the properties legally described as, i) LOT 1 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 EXCEPT PLAN M13332 and located at 902 Regent Avenue, Enderby BC, and ii) LOT 2 BLOCK 1 SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1094 and located at 906 Regent Avenue, Enderby BC, shown as 'Lot B' on

Schedule 'A' attached to and forming part of this Bylaw, is hereby increased from 41 units per hectare (16.59 units per acre) to 42 units per hectare (17 units per acre)

READ a FIRST time this day of , 2023.

READ a SECOND time this day of , 2023.

Advertised on the day of , 2023 and the day of , 2023, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2023.

READ a THIRD time this day of , 2023.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2023.

Development Officer
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2023.

MAYOR

CORPORATE OFFICER

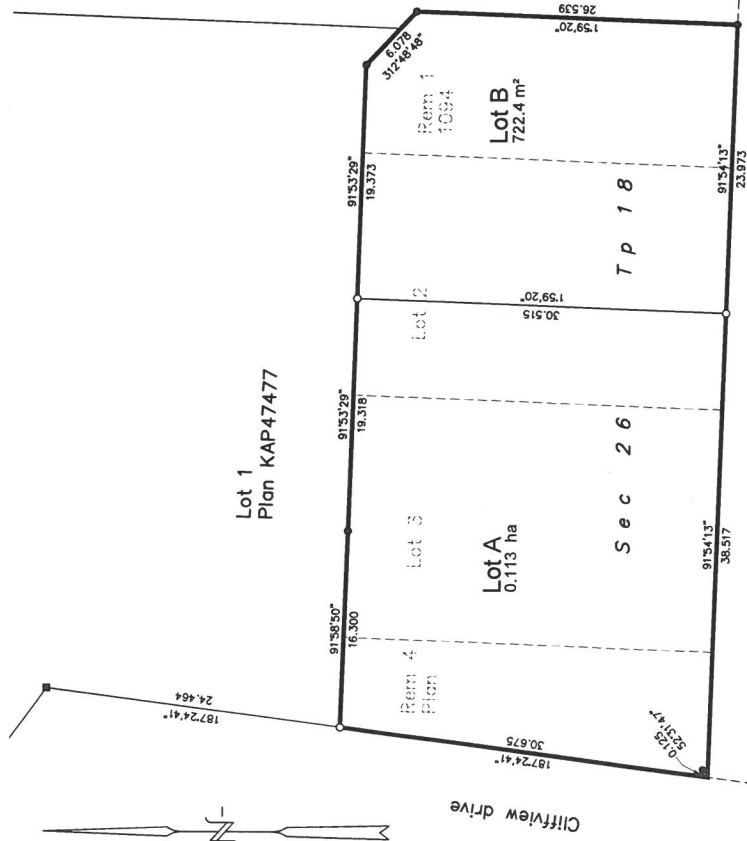
Schedule 'A'

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

BCGS 82L.055



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



Regent Avenue

High Street

Lot 1
Plan KAP48242

Lot A
Plan 14639

Lot 1 Blk 3
Plan 211A

Lot 1
Plan 42199

LEGEND

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

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.

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

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED BY THE GNSS DATA FREQUENCY OBSERVATIONS AND POST PROCESSED USING THE CSRSPP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. COMBINED FACTOR OF 0.9998279 LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998279. THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 353 METRES.

| | |
|-----------------------------|---------------------------------|
| REFERENCE POINT 1000 | 5602288.676 |
| UTM NORTHING | 5602288.676 |
| UTM EASTING | 348037.250 |
| DATUM | NAD83 (GSRG)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | 0.05m |
| COMBINED FACTOR | 0.9998262 |
| REFERENCE POINT 1005 | 5602326.357 |
| UTM NORTHING | 5602326.357 |
| UTM EASTING | 348066.371 |
| DATUM | NAD83 (GSRG)(2002), UTM Zone 11 |
| ESTIMATED ABSOLUTE ACCURACY | 0.05m |
| COMBINED FACTOR | 0.9998266 |

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

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

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

russell shortt

land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 3L8

Phone: (250)543-0511

Email: jason@rshortt.ca

F.B.

File: 27819

ECR # mmdady

Area: CITY OF ENDERBY Category: BUILDING PERMITS Year: 2023 Month: 06

| Solder Type | 2023 / 06 | | | 2022 / 06 | | | 2023 to 06 | | | 2022 to 06 | | |
|------------------------------|-------------------|-----------------------|-------------------|-------------------|-----------------------|-------------------|-------------------|-----------------------|-------------------|-------------------|-----------------------|-------------------|
| | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value | Permits Issued | Res. Units Created | Building Value |
| ACCESSORY BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| AGRICULTURAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| COMMERCIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| DEMOLITION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 34,500 |
| END - ACCESSORY BUILDING | 0 | 0 | 0 | 1 | 0 | 30,000 | 1 | 0 | 8,259 | 2 | 0 | 90,000 |
| END - COMMERCIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 100,000 | 1 | 0 | 150,000 |
| END - DEMOLITION | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 |
| END - INDUSTRIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| END - MANUFACTURED HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| END - MODULAR HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| END - MULTI FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 754,432 |
| END - PLUMBING | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 40,000 | 1 | 0 | 500 |
| END - RETAINING WALL | 0 | 0 | 0 | 1 | 0 | 20,000 | 3 | 0 | 90,000 | 1 | 0 | 20,000 |
| END - SFD W/SUITE | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 300,000 | 0 | 0 | 0 |
| END - SIGN | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1,000 | 0 | 0 | 0 |
| END - SINGLE FAMILY DWELLING | 0 | 0 | 0 | 3 | 0 | 471,708 | 9 | 6 | 2,633,400 | 9 | 4 | 1,738,828 |
| INDUSTRIAL BUILDING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| INSTITUTIONAL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MANUFACTURED HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MODULAR HOME | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MULTI FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OLD PIMS PERMITS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PLUMBING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| POOL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| RETAINING WALL | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SIGN | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SINGLE FAMILY DWELLING | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SOLID FUEL BURNING APPLIANC | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Report Totals | 1 | 0 | 0 | 5 | 0 | 521,708 | 19 | 8 | 3,172,659 | 17 | 6 | 2,788,260 |

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: June 29, 2023
Subject: Temporary Road Closure Application - Enderby Friday Night Lights 2023

RECOMMENDATION

THAT Council receives the City of Enderby Event Coordinator's Temporary Road Closure application (Enderby Friday Night Lights 2023) for information.

BACKGROUND

The City of Enderby Event Coordinator has submitted a Temporary Road Closure application (attached) for the Enderby Friday Night Lights event scheduled for Friday August 18, 2023. The applicant is proposing to close portions of Cliff Avenue, Belvedere Street, and Russell Avenue between the hours of 2:30 pm and 10:00 pm.

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

| | |
|--------------|--|
| Policy Title | Temporary Road Closures for Community Events |
|--------------|--|

| | | |
|-----------------------------|--|-----------------------------|
| Adopted: August 13, 2012 | Authorized By: Mayor and Council Regular Meeting of August 13, 2012 | Replaces: Not applicable |
|-----------------------------|--|-----------------------------|

PURPOSE:

The City will consider approving the temporary closure of municipal roads for a community event.

POLICY:

Temporary road closures will only be considered for community events which are sponsored by a recognized organization.

The Chief Administrative Officer or designate is granted the authority to approve a Temporary Road Closure Permit on behalf of Council, subject to the applicant meeting all the requirements of this policy. First time events must be approved by City Council.

A completed Schedule A, "Application for Temporary Road Closure," shall be submitted to City Hall at least 21 days prior to the closure. The application must include a map of the proposed road closure and emergency access through the closure. Applications for first-time or relocated events requiring Council approval must be submitted two months prior to the closure.

The organizer shall notify and consult with business owners within a one-block radius of the proposed road closure and residents adjacent to the proposed road closure. The organizer agrees to take reasonable steps to mitigate disruption for affected business owners and residents. Failure to adequately notify and consult affected businesses and residents may result in revocation of permit or refusal of future applications. Unless exempted by Council, all first-time or relocated event applications must include a petition signed by a majority of affected business owners agreeing to the proposed event.

The applicant for a Temporary Road Closure must submit proof of public liability and property damage insurance in a form acceptable to the City. The applicant may request that insurance requirements be waived based on the risk profile of the event. Such waiver does not affect any other responsibility of the applicant to obtain insurance.

The applicant shall be responsible for all traffic management, including the provision, set up, and removal of signs and barricades on the same day as the road closure.

The applicant shall be responsible for ensuring that all food service establishments, including but not limited to mobile vending units, food services at temporary events, and sellers of home-prepared foods, shall have the appropriate authorization or permit from Interior Health.

The applicant shall be responsible for emptying municipal garbage receptacles and cleaning up litter from the road closure area on the same day as the closure.

As a condition of permit, the City of Enderby will not be liable or otherwise responsible for any scheduling conflict, revocation, refusal, maintenance closure or other damage or harm related to the issuance of this permit.

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

Vallene Byrne

Telephone or Email

Name of Event

Friday Night Lights

Date(s) of Closure

Aug 18 2023

Start time for Closure

2:30pm

End time for Closure

10pm

Location of Closure

Cliff Ave (From Hwy to Vernon St)
Rossel Ave (from ~~Hwy~~ to Vernon St) Belvedere (from Cliff to Mill Ave)

Required Attachments

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

Will submit electronic
& physical copy separately.

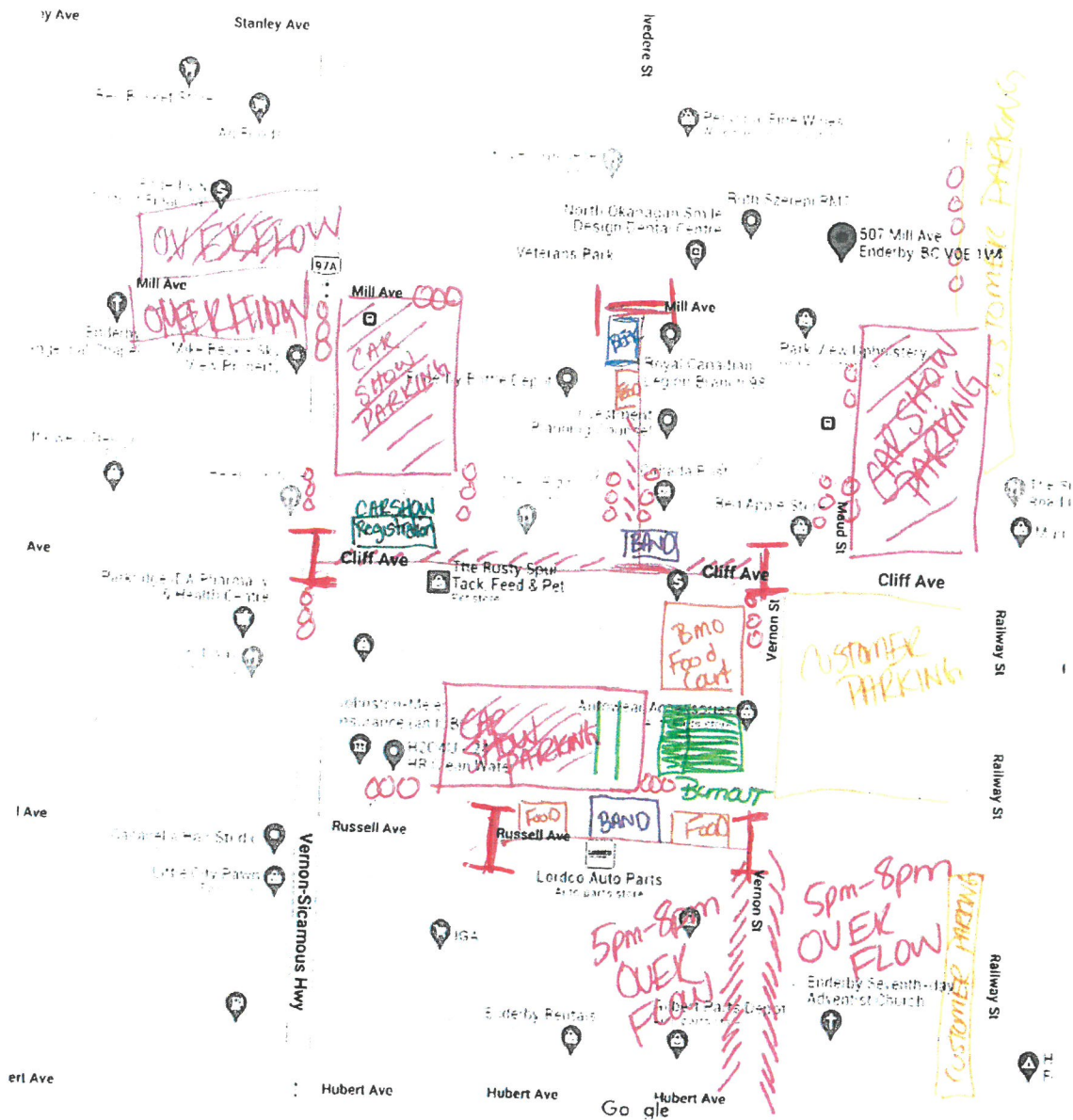
Indemnity:

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

| Do Not Complete - For Administrative Purposes | | | |
|---|--------------------------------------|------|--------------------------------------|
| Approved by | <u>Kurt Inglis</u> | Date | <u>June 29, 2023</u> |
| Certificate of Insurance | <input checked="" type="radio"/> Yes | No | N/A |
| Map | <input checked="" type="radio"/> Yes | No | N/A |
| Petition of Affected Business Owners | <input checked="" type="radio"/> Yes | No | <input checked="" type="radio"/> N/A |



I - Road Closure

I - 2 barricades = 10
dropped

O - 42 delineators

L - need to be dropped at every entry of alley closures
+ event entry of parking lot closure, + 4 @ end of main parking lot

Food
BAND
BURNOUT/REGISTRATION
CAR SHOW PARKING
CUSTOMER PARKING
CAR SHOW REGISTRATION
BEER GARDENS

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

AGENDA

To: Mayor and Council
From: Tate Bengtson, CAO
Date: July 5, 2023
Subject: Hazardous Materials Response Contract Renewal with City of Vernon, 2023-27

RECOMMENDATION

THAT Council authorizes the Mayor and Corporate officer to execute the Hazardous Materials Response Contract with the City of Vernon for 2023-27.

BACKGROUND

There are four sites operated by the City of Enderby which use materials requiring a hazardous materials response service. These materials are ammonia, chlorine, and sulphur dioxide which are used, respectively, for ice chilling, water and wastewater disinfection, and wastewater dechlorination prior to discharge to a receiving environment. The sites are the arena, the water treatment plant, the Shuswap well, and the wastewater treatment plant. Vernon Fire Rescue has historically provided this service for the City of Enderby.

There is an availability fee that Enderby pays on an annual basis to Vernon to support the fixed costs of hazardous materials response (such as site visits for pre-incident planning and hazardous response program maintenance) plus an hourly rate should a response be required.

The 2023 cost per site is \$1,700 plus a 3.5% increase per year to account for anticipated inflation over the course of the 5-year term. The 2020 cost per site was \$1611, which was adjusted by 2% per year through 2023. There are also variable costs should Enderby require a response.

While it is hoped that a hazardous materials response under this contract may never be triggered, it provides a valued emergency response role with respect to the safety of the City's facilities and personnel, as well as the broad public, in the event of an emergency or failure involving hazardous materials.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

SERVICE AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2023.

BETWEEN

CITY OF VERNON
3400 30th Street
Vernon, BC V1T 5E6

(the "**Service Provider**")

OF THE FIRST PART

AND

CITY OF ENDERBY
619 Cliff Avenue, P.O. Box 400
Enderby, BC
V0E 1V0

(the "**Customer**")

OF THE SECOND PART

WHEREAS:

- A. The Service Provider owns specialized HazMat equipment (the "**Equipment**") and has personnel trained to respond (the "**A/C/SD Team**") to a release of ammonia, chlorine, and/or sulphur dioxide gases (an "**A/C/SD Release**").
- B. The Customer has requested that the Service Provider agree to use the Equipment and the A/C/SD Team to perform emergency services related to an A/C/SD Release (the "**HazMat Services**") upon request at a facility listed in Schedule "A" (a "**Service Site**").

NOW THEREFORE in consideration of the terms and conditions set out in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Term

- 1. The term of this Agreement shall commence on the date of this Agreement first written above and continue for five (5) years, unless terminated earlier pursuant to the terms of this Agreement (the "**Term**").

HazMat Services

- 2. If the Customer's fire chief or designate (the "**Customer's Fire Chief**"), in the Customer's Fire Chief's sole discretion, considers that the Customer's own resources are not able to effectively

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perform emergency services related to an A/C/SD Release at a Service Site, then the Customer's Fire Chief may make a request to the Service Provider that it use the A/C/SD Team and the Equipment to perform HazMat Services at the Service Site (a "**Service Request**").

3. Upon receipt of a Service Request and if the Service Provider's fire chief or designate (the "**Provider's Fire Chief**"), in the Provider's Fire Chief's sole discretion, considers that the Equipment and the A/C/SD Team are available, the Service Provider shall dispatch the Equipment and the A/C/SD Team to the Service Site to perform the HazMat Services. The Service Provider will make reasonable efforts to arrive at the Service Site within one (1) hour of the Service Request.
4. The Equipment will be housed and transported in a trailer with a tow vehicle and the A/C/SD Team will be comprised of one (1) officer and four (4) firefighters each trained to perform emergency services related to an A/C/SD Release.

Customer's Fire Department

5. The Customer shall ensure that the firefighters in each fire department in its fire service area:
 - a. have been trained to meet the job performance requirements required of an operations level responder in accordance with NFPA 1072, *Standard for Hazardous Materials/Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications* (National Fire Protection Association 2017), as amended or replaced from time to time ("**NFPA 1072**"); and
 - b. are proficient in emergency and tactical decontamination procedures.
6. The Customer shall ensure that each fire department in its fire service area has at least four (4) trained firefighters available to assist the A/C/SD Team in providing the HazMat Services.
7. If the Customer is unable to supply at least four (4) trained firefighters available to assist the A/C/SD Team in providing the HazMat Services, the Customer may request that the Service Provider supply them (the "**Additional Personnel**"). Upon receipt of such a request and if the Provider's Fire Chief, in the Provider's Fire Chief's sole discretion, considers that such Additional Personnel are available, the Service Provider shall supply them.
8. The Customer acknowledges and agrees that the obligations contained in sections 5 through 7 are essential to ensure compliance with NFPA 1072 and WorkSafe BC regulations in the handling of an A/C/SD Release.
9. The Customer shall provide a person who is familiar with the Service Site and its operations to the A/C/SD Team upon their arrival at the Service Site.

Performance of HazMat Services

10. The Customer's Fire Chief shall remain in command during an A/C/SD Release to which the Equipment and the A/C/SD Team are dispatched. The A/C/SD Team shall report to the Customer's Fire Chief. Where technical matters related to the HazMat Services or the

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Additional Personnel arise, the Customer's Fire Chief and the A/C/SD Team's officer shall cooperate in the best interests of all parties and bystanders. Notwithstanding anything herein to the contrary, neither the A/C/SD Team, the Additional Personnel, nor the Service Provider shall be obligated to perform the HazMat Services or other services that the A/C/SD Team's officer, in the A/C/SD Team's officer's sole discretion, considers to be unsafe or not in the best interests of the A/C/SD Team, the Additional Personnel, the parties, or any bystanders.

11. The Customer agrees that the Equipment shall not be used by any person other than a member of the A/C/SD Team without the A/C/SD Team's officer's prior consent, which may be given or withheld at the A/C/SD Team's officer's sole discretion.
12. As soon as the A/C/SD Release to which the Equipment, the A/C/SD Team, and any of the Additional Personnel were dispatched has been brought under control, which determination shall be made by the Customer's Fire Chief and the A/C/SD Team's officer, the Customer's Fire Chief shall release the Equipment, the A/C/SD Team, and the Additional Personnel from the Service Site.
13. Notwithstanding anything herein to the contrary, the Equipment, the A/C/SD Team, and/or the Additional Personnel shall cease performing the HazMat Services or other services and leave the Service Site if the Provider's Fire Chief, in the Provider's Fire Chief's sole discretion, determines that the Equipment, the A/C/SD Team, and/or the Additional Personnel are required to perform services within the Service Provider's fire service area or are otherwise unavailable to continue performing services at the Service Site.
14. Notwithstanding anything herein to the contrary, nothing in this Agreement shall be construed to require the Service Provider to dispatch or to not recall from the Service Site the Equipment, the A/C/SD Team, or the Additional Personnel, or to otherwise commence or continue performing HazMat Services or other services under this Agreement if the Provider's Fire Chief, in the Provider's Fire Chief's sole discretion, considers that the Equipment, the A/C/SD Team, and/or the Additional Personnel are required to perform services within the Service Provider's fire service area or are otherwise unavailable.

Costs/Fees

15. The Customer shall pay to the Service Provider an annual fee for each year of the Term for each Service Site (the "**Annual Fee**"). The Customer shall pay the Annual Fee for the first year of the Term upon execution of this Agreement in the amount of \$1,700 per Service Site. On each anniversary of the date of this Agreement during the Term, the Annual Fee shall be invoiced to the Customer and the rate per Service Site shall increase by three and one-half percent (3.5%) compounded.
16. If the Service Provider dispatches the Equipment and the A/C/SD Team to perform HazMat Services, the Customer shall pay to the Service Provider a fee at the rate of \$2,250.00 for the first two (2) hours and \$1,125.00 for every hour thereafter calculated from the time of the Service Request to the time that the Equipment and the A/C/SD Team are released from the Service Site, which fee shall be invoiced to the Customer. On each anniversary of the date of

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this Agreement during the Term, the hourly rate described in this section will increase by three and one-half percent (3.5%) compounded.

17. If the Service Provider supplies Additional Personnel to the Customer, the Customer shall pay to the Service Provider a fee for each individual Additional Personnel at the rate of \$450.00 for the first two (2) hours and \$225.00 for every hour thereafter calculated from the time of the request for such Additional Personnel to the time that such individual Additional Personnel is released from the Service Site, which fee shall be invoiced to the Customer. On each anniversary of the date of this Agreement during the Term, the hourly rate described in this section will increase by three and one-half percent (3.5%) compounded.
18. The Customer shall pay to the Service Provider any amount required to be paid under this Agreement within 30 days of delivery of an invoice from the Service Provider to the Customer.

Default and Termination

19. The Service Provider may terminate this Agreement by giving the Customer written notice if the Customer fails to comply with any of the terms, covenants, and agreements that the Customer must observe or perform under this Agreement and that failure continues for thirty (30) days after receipt by the Customer of notice in writing from the Service Provider specifying the failure.
20. The Service Provider and the Customer shall each have the right to terminate this Agreement for any reason by giving the other one (1) year's written notice.
21. The Customer agrees that giving notice of termination shall not relieve the Customer of any of its obligations under this Agreement until the date of termination, including the payment of any Annual Fees.
22. The Customer agrees that it shall not be entitled to a return of all or any portion of the Annual Fee or other amount paid by the Customer to the Service Provider prior to the date of termination.
23. The Customer's release and indemnity obligations in sections 24 and 25 will survive any discharge, expiration or termination of this Agreement.

Release and Indemnity

24. The Customer shall be liable for and release the Service Provider and all of its directors, elected officials, employees, contractors, consultants, agents, representatives, successors, and assigns (the "**Provider Parties**") from and against all claims, demands, causes of action, suits, losses, fines, penalties, damages and costs, liabilities, expenses and judgments, including all legal costs, ("**Claims**") which may arise or accrue to any person, firm or corporation, including those for bodily injury and death, against the City Parties or which the City Parties may pay, incur, sustain or be put to by reason of the City Parties performing, purportedly performing, delaying in performance of, or not performing the HazMat Services or any other services under this Agreement, except to the extent solely caused by a wrongful or negligent act of one or more of the City Parties.

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25. The Customer shall defend, indemnify, and save harmless the Provider Parties from and against all Claims, which may arise or accrue to any person, firm or corporation, including those for bodily injury and death, against the City Parties or which the City Parties may pay, incur, sustain or be put to by reason of the City Parties performing, purportedly performing, delaying in performance of, or not performing the HazMat Services or any other services under this Agreement, except to the extent solely caused by a wrongful or negligent act of one or more of the City Parties.

General

26. Nothing contained or implied in this Agreement will derogate from the obligations of either party under any other agreements between them or, if a party so elects, prejudice or affect that party's rights, powers, duties, or obligations in the exercise of its functions pursuant to the *Local Government Act*, the *Community Charter* or other statutes, bylaws, orders, and regulations.
27. Neither party will be liable to the other for any delay, interruption or failure in the performance of its duties, covenants, or obligations under this Agreement if caused by an event outside the that party's control which takes place for reasons other than neglect or default of the that party including, but not limited to, earthquake, flood, disease, epidemic, pandemic, or other act of God, fire, explosion or accident, strike, lockout, quarantine, breakdown or malfunction of the Equipment, or bridge or road closure, and the date limited for the performance of such duties, covenants or obligations will be postponed for a period equal to the delay occasioned by such an event.
28. No consent or waiver, express or implied, by any party of any breach or default by another under this Agreement will:
- a. be valid unless it is in writing and stated to be a consent or waiver pursuant to this section;
 - b. be relied on as a consent to or waiver of any other breach or default of the same or any other nature;
 - c. constitute a general waiver under this Agreement; or
 - d. eliminate or modify the need for a specific consent or waiver under this section in any other or subsequent instance.
29. This Agreement enures to the benefit of and is binding on the parties and their respective successors and permitted assigns.
30. Neither this Agreement nor any part of it may be assigned by any party without the consent of both parties.
31. This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.

32. No amendment or variation of the terms, conditions, warranties, covenants, agreements, or undertakings set out in this Agreement will be of any force or effect unless the same is reduced to writing and duly executed by the Service Provider and the Customer.
33. If any provision of this Agreement is held invalid by a court of competent jurisdiction, the invalid provision shall be severed and the decision that it is invalid will not affect the validity of the remainder of the Agreement.
34. Schedule "A" attached hereto is incorporated into and forms a part of this Agreement.
35. The provisions in this Agreement, including any schedules attached hereto, constitute the entire agreement between the parties and supersede all previous communications, representations, warranties, covenants, and agreements, whether verbal or written, between the parties with respect to the subject matter of this Agreement.
36. The Customer is responsible for all records generated by a response pursuant to this Agreement.
37. Whenever in this Agreement it is required that written notice be given by either party to the other, the notice shall be sufficiently communicated if delivered personally or sent by registered mail, to the Customer at the following address:

CITY OF ENDERBY

619 Cliff Avenue, P.O. Box 400
Enderby, BC
V0E 1V0
Attention: Corporate Officer

and to the Service Provider at the following address:

CITY OF VERNON

3400 – 30th St.
Vernon, BC V1T 5E6
Attention: Corporate Officer

If forwarded by registered mail, notice shall be deemed to have been served on the fifth business day following the date it was mailed.

[This portion left intentionally blank]

38. This Agreement may be executed in any number of counterparts and delivered via facsimile or e-mail, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same instrument, provided that any party delivering this Agreement via facsimile or e-mail will deliver to the other party an originally executed copy of this Agreement forthwith upon request by the other party.

IN WITNESS WHEREOF the parties have executed this agreement on the respective dates written below:

CITY OF VERNON, by its authorized signatories:

Chief Administrative Officer

Corporate Officer

CITY OF ENDERBY, by its authorized signatories:

Name: _____

Title: _____

Name: _____

Title: _____

SCHEDULE "A"
SERVICE SITES

- 1) Enderby Arena
1605 Kate Street
Enderby, BC
- 2) Water Treatment Plant
700 Railway Street
Enderby, BC
- 3) Waste Water Treatment Plant
2308 McGowan Street
Enderby, BC
- 4) Shuswap Well
Mabel Lake Road
Enderby, BC

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: July 5, 2023
Subject: Local Government Climate Action Program – 2023 Public Reporting

RECOMMENDATION

THAT Council supports the draft responses to the *Local Government Climate Action Program Year 2 Survey* attached to this memorandum as Schedule 'A'.

BACKGROUND

The Local Government Climate Action Program (LGCAP) has recently been introduced by the Province and is intended to provide predictable, annual, and long-term funding for local governments and B.C. Modern Treaty Nations to take climate action aligned with provincial and local climate objectives. This program is replacing the previous Climate Action Revenue Incentive Program (CARIP).

As part of the program, funding recipients are required to report on their actions.

To be eligible for the 2023 LGCAP funding, the City is required to:

1. Be a signatory to the B.C. Climate Action Charter;
2. Measure and report on corporate greenhouse gas (GHG) emissions (encouraged for communities under 15,000 in population);
3. Report on projects linked to one or more objectives from the CleanBC Roadmap to 2030 and/or Climate Preparedness and Adaptation Strategy (CPAS);
4. Complete the *Local Government Climate Action Program Year 2 Survey*;
5. Have the Chief Financial Officer, or equivalent position, sign the attestation form (at the end of the survey) to confirm all funds were, or will be, used towards climate action; and
6. Post a completed PDF version of the program survey and attestation form publicly.

Staff are advancing the draft responses to the *Local Government Climate Action Program Year 2 Survey* to Council for review. Should Council support the draft responses, Staff will proceed with completing items #4-6 above and the City will then be eligible for the 2023 LGCAP funding in the amount of \$64,082. These funds are to be used for eligible projects that are aligned with the CleanBC Roadmap to 2030 and/or the Climate Preparedness and Adaptation Strategy. Examples of

eligible projects under the program include capital works that strengthen climate resiliency, projects that provide active transportation and projects that improve energy efficiency.

Respectfully Submitted,



Kurt Inglis
Planner

LGCAP Year 2 Survey

The Survey

Question 1: How many staff in full time equivalents (FTEs) are dedicated to working on climate action?*

For example: Can include staff in engineering, emergency management, sustainability, transportation, waste management, etc.

If a staff member is a climate action coordinator and works 100% on climate-related issues, add 1.0. If a staff member works approximately 25% (please estimate) on climate-related issues, add 0.25. Working on climate-related issues does not need to be written into the staff member's job description to be counted here.

0.15

Question 2: Does your local government or Nation have a climate action plan or other guiding document(s)? *

☐ Yes

☒ No

If not, please select one or more options from the list.*

☐ No, but we are currently undertaking one and it will be completed in the next two years.

☐ No, we are not intending to undertake one due to lack of financial capacity.

☒ No, we are not intending to undertake one due to lack of expertise or technical capacity.

Question 3: Has your local government or Nation declared a climate emergency?*

☐ Yes

☒ No

Question 4: Please select the top 3 challenges impeding the advancement of climate action in your community.*

☐ Lack of jurisdiction.

☒ Lack of staff capacity or expertise.

☒ Lack of financial resources.

☒ Lack of data or information.

☐ Lack of local political support.

☐ Lack of provincial or federal government support or collaboration.

☐ Other.

Question 5: For the 2022 calendar year, has your local government or Nation measured and reported associated corporate GHG emissions?*

☒ Yes

☐ No

☐ No, but for a past year. (Please enter most recent year completed: YYYY)

If your local government or Nation measured 2022 corporate GHG emissions, please report the number of corporate GHG emissions from services delivered directly by your local government (in tonnes of carbon dioxide equivalent).*

239

If your local government or Nation measured 2022 corporate GHG emissions, please report the number of corporate GHG emissions from contracted services (in tonnes of carbon dioxide equivalent).*

21

If your local government or Nation measured 2022 corporate GHG emissions, please report the total number of corporate GHG emissions from both directly delivered and contracted services (in tonnes of carbon dioxide equivalent).*

This would be the sum of the two questions above.

260

Optional: Please indicate how many tonnes of CO2e are associated with facilities.

157

Optional: Please indicate how many tonnes of CO2e are associated with mobile sources.

103

Please provide the link to the public report if available.

Optional

Optional: Please provide any further comments you wish to share on corporate emissions measurement and reporting here (e.g. system or approach used to measure corporate emissions).

Question 6: For the 2022 calendar year, have community-wide GHG emissions been measured for your local government or Nation?*

☐ Yes

☐ In-progress

☒ No

If not, please select all that apply from the list.*

☐ No, community GHG emissions were not reported because the 2022 Provincial Community Energy and Emissions Inventory data has not been released.

☐ No, community GHG emissions were not reported because the 2022 Provincial Community Energy and Emissions Inventory does not report transportation data.

☐ No, we do not measure and report community-wide emissions data due to lack of financial capacity.

☒ No, we do not measure and report community-wide emissions data due to lack of staff and technical capacity.

☐ No, we do not measure and report community-wide emissions annually. (Please indicate most recent year completed: YYYY)

If not, has your community or Nation measured and reported community-wide emissions in the past?*

☐ Yes

☒ No

Question 7: Currently, the Province's legislated GHG emission reduction targets are 40% by 2030, 60% by 2040 and 80% by 2050, relative to 2007. Please state your local government or Nation's target(s).*

| | Reduction (format: e.g., 40%) | Baseline Year (format: 2007) |
|------|-------------------------------------|---------------------------------|
| 2030 | 13% | 2007 |
| 2040 | | |
| 2050 | | |

If your local government or Nation's targets don't conform to the target years noted above, please enter them here.

Format e.g.: target 2035 50% baseline 2010, target 2060 70% baseline 2010, ...

Question 8: The Province has also committed to introducing a target of net-zero emissions by 2050. Does your local government or Nation have a net-zero or carbon-neutral emissions target?*

☐ Yes: Net-zero (Net-zero refers to a jurisdiction achieving a balance between greenhouse gas emissions produced and removed from the atmosphere (e.g. planting trees or using carbon capture technologies))

☐ Yes: Carbon neutral (Carbon neutral refers to a jurisdiction achieving a state of no net carbon dioxide emissions being released into the atmosphere (e.g. Reducing emissions as far as practical and purchasing offsets or other similar mechanisms))

☒ No

Question 9: If data was provided by the Province, which three supporting indicators would be most valuable to your local government or Nation to advance climate action?*

☒ Housing type: Private dwellings by structural type

- ☒ Floor area: Average floor area by building category and era
- ☐ Residential density: Population and dwelling units per "net" land area
- ☒ Commute by mode: Employed labour force by mode of commute
- ☐ Greenspace: Land area that is parks and protected greenspace
- ☐ Walk score: Proximity to services
- ☐ Proximity to transit: Persons, dwelling units and employment within walking distance of a "quality" transit stop/line
- ☐ Other

Optional: Please provide any further comments you wish to share on community-wide emissions measurement and reporting here.

Question 10: Please indicate all climate initiatives your local government or Nation had in-progress or completed in the 2022 calendar year related to the buildings sector.*

The buildings and communities sectoral target for the province is 59% to 64% emissions reductions by 2030.

- ☐ Zero-carbon new construction (please enter date in pop-up textbox below)
- ☐ Highest efficiency standards for new space and water heating equipment
- ☐ Topping up Provincial energy efficiency programs
- ☒ Step Code adoption
- ☐ Zero Carbon Step Code
- ☐ Zero-carbon heating requirement
- ☐ Net zero buildings commitments
- ☒ Efficiency upgrades to public buildings
- ☐ Demand-side management
- ☐ Not applicable
- ☐ Other

Optional: Please highlight a community project(s) that was in-progress or completed in the 2022 calendar year related to buildings.

Continued to heat the City's Public Works building and dog pound through the use of a biomass heating system.

Question 11: Please indicate all climate initiatives your local government or Nation had in-progress or completed in the 2022 calendar year related to the transportation sector.*

The transportation sectoral target for the province is 27% to 32% emissions reductions by 2030.

- ☐ Demand-side management to reduce distance travelled (single-occupancy vehicle commute reduction programs, parking disincentives)
- ☐ Improving or expanding public transportation
- ☐ Mode shift targets in Official Community Plan, Regional Growth Strategy or other guiding document
- ☐ Established personal transportation target goals, and measures to reach them, in annual reports – must include target goals for vehicle kilometre reduction, mode share for active transportation and zero-emission vehicles – and report on progress
- ☐ Established commercial transportation target goals, and measures to reach them, in annual reports – must include target goals for vehicle kilometre reduction, mode share for energy efficient commercial transportation and zero-emission vehicles – report on progress
- ☐ Implemented zero-emission vehicle first procurement policy for all local government on and off-road vehicles purchases.
- ☐ Implemented a zero-emission vehicle preference or requirement for contracted work from a service provider
- ☐ Bylaws updated to prioritize energy efficient transportation hierarchy (i.e. pedestrians first)
- ☐ Revising existing bylaws or implementing new ones to support active transportation
- ☒ Active transportation planning
- ☒ Active transportation infrastructure investments
- ☐ Electric vehicle charging studies/planning
- ☐ Established electric vehicle charging ready bylaws

- ☐ Electric vehicle charging infrastructure investments
- ☐ Streamlined hydrogen fuelling station permitting process
- ☐ Required new and/or existing gasoline and card lock fuel stations to include zero-emission vehicle infrastructure development
- ☐ Required green roads certification for any new or significantly modified existing roads
- ☐ Not applicable
- ☐ Other

Optional: Please highlight a community project(s) that was in-progress or completed in the 2022 calendar year related to transportation.

Developed a Greenway Assessment for a key connectivity corridor identified in the City of Enderby Official Community Plan.

Question 12: Please indicate all climate initiatives your local government or Nation had in-progress or completed in the 2022 calendar year related to community-wide action.*

- ☐ Complete, compact communities
- ☐ Organics diversion
- ☐ Circular economy or zero waste strategy
- ☐ Sustainable procurement policy
- ☐ Energy emission plans
- ☒ Renewable energy investments (e.g. district energy, waste heat recovery, biomass)
- ☐ Green/blue carbon sequestration
- ☐ Compliance carbon offset projects
- ☐ Voluntary carbon offset projects
- ☐ Bylaws updated to allow at least three units in all single-family zones
- ☐ Other
- ☐ Not applicable

Optional: Please highlight a community project(s) that was in-progress or completed in the 2022 calendar year related to community-wide action.

Developed a Greenway Assessment for a key connectivity corridor identified in the City of Enderby Official Community Plan.

Question 13: Please indicate all initiatives your local government or Nation completed or had in-progress in the 2022 calendar year to adapt to and build resilience to climate impacts. *

- ☐ Undertaking or completing a risk assessment or <https://www2.gov.bc.ca/gov/content/safety/emergency-management/local-emergency-programs/assessment-analysis> Hazard Risk Vulnerability Assessment (HRVA)
- ☒ Addressing current and future climate risks through plans, adaptation measure implementation, programs, service delivery, asset management and/or other functions.
- ☒ Collaboration with other communities on resilience planning/initiatives
- ☐ <https://www.weather.gov/safety/drought-hydroclimate> Hydro climatological data collection
- ☒ Monitoring climate risks (floods, wildfire, etc.)
- ☐ Public engagement on climate risks and actions
- ☐ Providing training (adaptation and mitigation skills)
- ☐ Creation of policy/procedures to affect change (putting climate considerations into decision-making processes)
- ☐ Creating data systems to support climate action
- ☐ Utilizing natural assets/nature-based solutions
- ☒ Developing emergency/hazard response plans
- ☐ Not applicable
- ☐ Other

Optional: Please highlight one or more climate adaptation project(s) that were completed or in-progress in the 2022 calendar year to reduce risk and increase resilience.

Initiated an Extreme Heat Risk Mitigation, Mapping and Planning process.

Question 14: Has a climate risk and vulnerability or similar assessment been undertaken for your local government or Nation?*

(X) Yes

() No

Please provide the link to the public assessment if available.

Question 15: What are the most significant climate hazards faced by your jurisdiction and what is the timeframe of their expected impact to your community? *

For each selection, please then indicate if the timeframe of their expected impact is short, medium, long or not sure.
(short [current/by 2025]; medium [2026-2050]; long [beyond 2050])

[] Extreme heat and heat stress

[] Extreme cold, snow and ice

[] Water shortages

[X] Wildfire

short

[X] Overland flooding

short

[] Coastal flooding, storm surge events and/or other coastal hazards

[] Wind, rain, and other storm events

[] Ecological impacts (examples of ecological impacts include biodiversity loss and erosion)

[] Cultural impacts (examples of cultural impacts include threats to identities, languages, and livelihoods)

[] Human health impacts

[] Not applicable/no hazards

[] Not sure

[] Other

Question 16: What information do you need to know to be able to plan effectively for the future of your community, with respect to the impacts identified in Question 15? Please select one or more of what you consider the most valuable types of information for planning.*

[X] Local observations and/or Indigenous knowledge

[X] Localized climate modelling and projected scenarios

[X] Assessment of potential community impacts

[X] Assessment of community vulnerabilities

[X] Risk assessment of hazards

[X] Mapping of climate change impacts and hazards

[X] Demographic information

[X] Projected development

[X] Adaptation planning information

- ☒ Technical expertise to implement solutions
- ☒ Community/stakeholder engagement and support
- ☒ Information on partnership opportunities
- ☒ Examples of actions taken by other communities
- ☐ Not sure
- ☐ Other

Question 17: Based on the hazards you indicated as most significant in Question 15, which groups are most vulnerable to the impacts of climate hazards?*

- ☒ Low-income households
- ☒ Indigenous Peoples
- ☐ Racialized communities
- ☐ Newcomers to Canada (immigrants and refugees)
- ☒ People experiencing homelessness
- ☒ Seniors
- ☐ Women and girls
- ☐ Persons with disabilities
- ☐ LGBTQIA2S+: Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Two-Spirit, and additional sexual orientations and gender identities
- ☐ Not sure
- ☐ Other

Question 18: Of the hazards identified in Question 15, please specify the associated adaptation measures completed or in-progress in the 2022 calendar year, if any.

If entering a hazard under "Other", please also write the hazard in the "Adaption measure" textbox.

Hazard

| Hazard | Adaptation measure |
|---|---|
| Extreme heat and heat stress | |
| Extreme cold, snow and ice | |
| Water shortages | |
| Wildfire | <i>Continued implementation of the FireSmart Implementation Plan, including completing home assessments</i> |
| Overland flooding | <i>Continued to implement floodplain regulations related to building siting when located in floodplain</i> |
| Coastal flooding, storm surge events and/or other coastal hazards | |
| Wind, rain, and other storm events | |
| Ecological impacts | |
| Human health impacts | |
| Cultural impacts | |
| Other | |

Question 19: How does your community ensure equitable access to and distribution of climate action opportunities and benefits?*

Please select all that apply.

- ☒ By collecting and analyzing disaggregated and/or spatial data on the impacts of climate policy and change.
- ☒ By engaging with equity seeking groups/frontline communities most impacted by climate policy and change.

- ☐ By designing and implementing climate actions that remove barriers to participation in planning and programs faced by equity seeking groups/frontline communities most impacted by climate change.
- ☐ There are no specific measures in place to ensure equitable access to and distribution of opportunities and benefits.
- ☐ Not sure how to integrate equity into our climate action work.
- ☐ Not sure if equity is being integrated into our climate action work.

Optional: Please highlight a climate initiative completed or in-progress in the 2022 calendar year that promotes equity and inclusion.

Initiated an Extreme Heat Risk Mitigation, Mapping and Planning process which includes direct engagement with a range of stakeholders, including vulnerable populations.

Question 20: What did/will your local government or Nation spend its LGCAP funding on for year one of the Program (2022)? Please select all that apply and indicate the dollar value associated with each initiative.*

Textbox format: no dollar sign and up to two decimal points (i.e. 2500 or 657.25).

If selecting "Other", please write both the item and the amount of funding in the textbox.

- ☐ Staffing
- ☐ Climate study
- ☐ Energy study
- ☐ Asset management
- ☐ Risk and vulnerability assessment
- ☐ Emergency response planning
- ☐ Vulnerability and risk reduction strategy
- ☐ Climate finance planning
- ☐ Climate engagement
- ☐ Resilient infrastructure
- ☐ Green infrastructure
- ☐ Natural assets evaluation and accounting
- ☐ Buildings initiatives
- ☐ Transportation initiatives
- ☐ Community-wide initiatives
- ☒ Put in reserve for future project
64082
- ☐ Corporate emissions inventory measurement and reporting
- ☐ Leveraging funds from other sources/ grant stacking
- ☐ Other

Reserve funding - How will funds be allocated?

☐ Please indicate the project(s) funds have been allocated to.

☒ No decision has been made. nbsp;

Optional: Please highlight the initiative(s) your local government or Nation's LGCAP year one funding will support.

Question 21: How much additional funding for climate action were you able to invest by leveraging your LGCAP funds? This could include matching grants as well as private investment.*

Format: no dollar sign and up to two decimal places

0

Question 22: Please estimate the total investment in climate mitigation your local government or Nation made in 2022, including from sources beyond your LGCAP funds.

For guidance, this includes (but is not limited to): integrating climate change mitigation (i.e. GHG reduction) measures into policies, strategies and planning; improving education, raising awareness of climate change causes and solutions, and increasing human and institutional capacity with respect to climate change mitigation.*

Format: no dollar sign and up to two decimals

If no estimate is possible, please provide 0 as an answer.

0

Question 23: If estimated and available, what are the expected emissions reductions from these investments?

Format: in tonnes CO2e

Question 24: Please estimate the total investment in climate adaptation and resilience your local government or Nation made in 2022, including from sources beyond your LGCAP funds.

For guidance, this includes all actions that strengthen resilience and the ability to adapt to climate-induced impacts. Examples include (but are not limited to): addressing climate-related hazards; integrating adaptation measures into policies, strategies and planning; improving education, raising awareness of climate change causes and solutions, increasing human and institutional capacity with respect to climate adaptation, and impact reduction and early warning systems.*

Format: no dollar sign and two decimal places

If no estimate is possible, please provide 0 as an answer.

142827

Question 25: Does your community or Nation use a formal framework to apply a climate lens on infrastructure planning and decision-making?*

This could include the Provincial preliminary GHG assessment guidance, the Federal climate lens guidance, or another climate lens framework.

☐ Yes

☒ No

Question 26: What is the value in the Program's continuity for your community?

Optional

Note on posting the survey publicly:

- Optional questions and responses such as this one can be omitted.
- The Province will use the information for internal purposes only.
- When posting the survey publicly, the design / format of the form can be changed.
- All information from required questions must be included.

Attested by (first name, last name)*

Professional title*

Local government or Modern Treaty Nation*

Date*

Attestor signature*

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: July 10, 2023
Subject: Participation in the Inter-municipal Accessibility Advisory Committee

RECOMMENDATION

THAT the City of Enderby participates in the Inter-municipal Accessibility Advisory Committee.

BACKGROUND

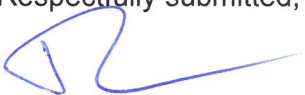
Local governments have recently been added as a prescribed entity to the *Accessible British Columbia Act*, meaning that they must take steps to establish an accessibility committee, develop an accessibility plan, and create a mechanism for public feedback regarding accessibility. Corporate Officers from local governments in the region have collaborated to create a regional accessibility committee, named the Inter-municipal Accessibility Advisory Committee ("the Committee").

The Committee's terms of reference were adopted by the Board of the RDNO on June 21, 2023 and are attached to this memorandum. The RDNO website describes the Committee's purpose as:

to identify, remove and prevent barriers to individuals in or interacting with the RDNO and member municipalities. Barriers may be present in the built environment, information and communications, or the delivery of programs or services that are within the RDNO and member municipalities' jurisdiction.

By participating in the Committee, the City of Enderby will be able to share in best practices and regional volunteer expertise. Notwithstanding its participation on the Committee, the City of Enderby can continue to implement matters of a local nature in the same manner as before, or it can refer the matter to the Committee if it feels that there is regional relevance or a need to consult a broader group of stakeholders.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



STAFF REPORT

TO: Board of Directors

File No: 0540.06

FROM: Corporate Services

Date: June 21, 2023

SUBJECT: Accessible British Columbia Act Requirements

RECOMMENDATION:

That an Inter-municipal Accessibility Advisory Committee be established under Part 3, Section 9 of the *Accessible British Columbia Act*; and further,

That the Terms of Reference for the Inter-municipal Accessibility Advisory Committee be endorsed.

SUMMARY:

As part of the new *Accessible British Columbia Act* ("Act") and associated regulation (BC Reg 105/2022), local governments (and other public sector organizations), by September 1, 2023, must establish an accessibility committee, develop an accessibility plan, and create a mechanism for public feedback regarding accessibility. The Act sets specific requirements for the Committee's scope and membership.

DISCUSSION:

Administration staff from the RDNO and six member municipalities have met several times to discuss the requirements of the Act and have agreed that a "regional" committee is the best approach. Based on the criteria outlined in the Act regarding committee composition, it would be difficult for each member municipality along with the RDNO to establish their own committee.

Together, staff have developed terms of reference for an Inter-municipal Accessibility Advisory Committee ("Committee"). The Committee will be an advisory committee to the Board comprised of up to a maximum of seven (7) voting members meeting the Act's criteria. The purpose of the Committee will be to assist the RDNO and member municipalities in identifying barriers to individuals in or interacting with our local governments and advise how to remove and prevent barriers to individuals in or interacting with our local governments. The Committee will also be responsible for consulting with the RDNO and member municipalities with respect to developing, reviewing, and updating an Accessibility Plan.

Report to: Board of Directors
From: Corporate Services
Re: Accessibility British Columbia Act Requirements

File No.: 0540.06
Date: June 21, 2023
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LEGAL/STATUTORY AUTHORITY:

The *Accessible BC Act* received Royal Assent on June 17, 2021. *Accessible BC Regulation* (BC Reg 105/2022) came into effect on September 1, 2022, identifying regional districts as a prescribed organization to which Part 3 of the Act applies.

Accessible British Columbia Act Part 3 – Accessible Organizations Accessibility committee

- 9 (1) An organization must establish a committee to
- (a) assist the organization to identify barriers to individuals in or interacting with the organization, and
 - (b) advise the organization on how to remove and prevent barriers to individuals in or interacting with the organization.
- (2) An accessibility committee must, to the extent possible, have members who are selected in accordance with the following goals:
- (a) at least half of the members are
 - (i) persons with disabilities, or
 - (ii) individuals who support, or are from organizations that support, persons with disabilities;
 - (b) the members described in paragraph (a) reflect the diversity of persons with disabilities in British Columbia;
 - (c) at least one of the members is an Indigenous person;
 - (d) the committee reflects the diversity of persons in British Columbia.

LEGAL/STATUTORY PROCEDURAL REQUIREMENTS:

Accessible British Columbia Act Part 3 – Accessible Organizations Accessibility plan

- 11 (1) An organization must develop a plan to identify, remove and prevent barriers to individuals in or interacting with the organization.
- (2) An organization must review and update its accessibility plan at least once every 3 years.
- (3) In developing and updating its accessibility plan, an organization must consider the following principles:
- (a) inclusion;
 - (b) adaptability;
 - (c) diversity;
 - (d) collaboration;
 - (e) self-determination;
 - (f) universal design.
- (4) In developing its accessibility plan, an organization must consult with its accessibility committee.
- (5) In updating its accessibility plan, an organization must
- (a) consider any comments received under section 12 *[public feedback]*, and
 - (b) consult with its accessibility committee.

EXISTING POLICY:

Within the Electoral Areas “B” and “C” and Electoral Areas “D” and “E” Official Community Plans, the following policies in relation to Community Accessibility and Inclusion apply:

Report to: Board of Directors
From: Corporate Services
Re: Accessibility British Columbia Act Requirements

File No.: 0540.06
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- Support opportunities for balanced, active and diverse lifestyles where housing, public services and amenities are affordable, accessible and inclusive.
- Encourage land use patterns, community activities and events that generate intergenerational and inter-cultural interest, participation and social integration.
- Consider establishing a region-wide committee to provide feedback and direction to elected officials and staff on aging and disability issues. This feedback may include facilitating the preparation of an age-friendly assessment of the community to discover what is working around accessibility and inclusion and what needs improvement.

FINANCIAL/BUDGETARY CONSIDERATIONS:

The Committee will serve without remuneration, similar to the Regional Agricultural Advisory Committee. Members will be compensated for mileage annually.

Committee recommendations that require funding will be required to go through the regular budget process; however, some grant programs are available for implementing projects stemming from accessibility plans. SPARC BC (Social Planning and Research Council of BC) has announced a Local Community Accessibility Grant Program with funding from the Province. All municipalities and regional districts are eligible to submit an application for a one-time grant of up to \$25,000, to remove barriers for persons with disabilities by implementing one of the initiatives identified in their accessibility plan or by their accessibility committee or feedback mechanism¹.

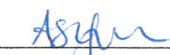
PERSONNEL IMPLICATIONS:

Corporate Services staff will circulate the agenda, take minutes, and be the committee liaison.

COMMUNICATIONS CONSIDERATIONS:


As part of the Act, organizations must establish a process for receiving comments from the public on the organization's accessibility plan and barriers to individuals in or interacting with the organization.

Submitted by:



Ashley Bevan
Deputy Corporate Officer

Approved for Inclusion:



David Sewell
Chief Administrative Officer

¹ <https://www.sparc.bc.ca/partnerships/local-community-accessibility-grant-program/>



REGIONAL DISTRICT OF NORTH OKANAGAN

TERMS OF REFERENCE – INTER-MUNICIPAL ACCESSIBILITY ADVISORY COMMITTEE (“COMMITTEE”)

A COMMITTEE ESTABLISHED UNDER SECTION 9 OF THE *ACCESSIBLE BC ACT*

| | |
|---|--|
| ENDORSED BY THE BOARD OF DIRECTORS ON: | Click & Insert Date endorsed |
| CONDUCT AND APPLICATION OF RULES OF PROCEDURE: | The conduct and application of rules and procedure for the Committee shall be in accordance with Regional District of North Okanagan Procedures Bylaw and all Regional District policies. |
| VISION STATEMENT: | Our vision is that the Regional District of North Okanagan and its member municipalities will become a safe, tolerant, and inclusive place for people of all ages and abilities to live, work, and play. |
| PURPOSE: | To assist the RDNO and member municipalities in identifying barriers to individuals in or interacting with the RDNO and member municipalities and to also advise the RDNO and member municipalities on how to remove and prevent barriers to individuals in or interacting with the RDNO and member municipalities. <i>(from the Accessible BC Act)</i> |
| DEFINED RESPONSIBILITIES: | <p>To make recommendations to the RDNO Board of Directors and member municipal Councils to consider the establishment, development and maintenance of equitable policies, services and facilities for persons with disabilities, including, but not limited to: transportation; housing; employment; education; and recreation.</p> <p>To consult with the RDNO and member municipalities with respect to developing, reviewing, and updating an Accessibility Plan.</p> <p>To provide an opportunity for public input on accessibility issues affecting people with disabilities.</p> <p>To identify barriers to services and facilities encountered by people with disabilities, and partner with local governments and agencies to address them.</p> <p>To promote initiatives that foster active living, and the full and equal participation of people with disabilities in their communities.</p> <p>To identify funding sources for accessibility measures.</p> |

| | |
|------------------------------|---|
| DEFINITIONS: | <p>As defined in the <i>Accessible British Columbia Act</i>:</p> <p>“barrier” is anything that hinders the full and equal participation in society of a person with an impairment. Barriers can be caused by environments, attitudes, practices, policies, information, communications or technologies, and can be affected by intersecting forms of discrimination.</p> <p>“disability” means an inability to participate fully and equally in society as a result of the interaction of an impairment and a barrier.</p> <p>“impairment” includes a physical, sensory, mental, intellectual or cognitive impairment, whether permanent, temporary or episodic.</p> |
| COMPOSITION: | <p>The Committee will be comprised of the following, up to a maximum of 7 voting members:</p> <ul style="list-style-type: none"> – Residents and/or agency representatives from the North Okanagan who, through knowledge and/or experience have interest or experience in advocating for people with disabilities. <p>At least half of the members must be:</p> <ul style="list-style-type: none"> – Persons with disabilities, or – Individuals who support, or are from organizations that support, persons with disabilities <p>At least one of the members must identify as an Indigenous person.</p> <p>The Committee, based on applications received, must reasonably reflect the diversity of persons in BC.</p> <p>The Committee may also include non-voting members as follows:</p> <ul style="list-style-type: none"> – One staff representative from the RDNO – One political representative from the RDNO – Others as required |
| APPOINTMENTS: | Voting members shall be appointed by the Board of Directors. Non-voting political members shall be appointed by the Board of Directors. |
| CHAIR AND VICE CHAIR: | The Committee shall, at its first meeting elect a Chair and Vice Chair from amongst its members who shall serve until the end of that calendar year. In the absence of the Chair and Vice Chair, the Committee members present may elect, from among themselves, an Acting Chair for that meeting. |
| QUORUM: | A quorum consists of the majority of voting members. |
| TERM: | Members shall serve on the Committee for a three year term. |
| MEETINGS: | <p>Once the Accessibility Plan has been completed, the Committee will meet twice a year.</p> <p>Notice of meetings will be distributed to members electronically and posted on the RDNO website.</p> |

| | |
|----------------------|--|
| REPORTING: | The Committee is an advisory Committee established under Part 3, Section 9 of the <i>Accessible British Columbia Act</i> . Recommendations from the Committee shall be referred to the RDNO Board of Directors and member municipal Councils for consideration. |
| REMUNERATION: | Members shall not receive any remuneration for services, however, a member shall be reimbursed for any reasonable out of pocket expenses incurred on behalf of and previously approved by the Board of Directors, including mileage costs to and from Inter-Municipal Accessibility Advisory Committee meetings. |
| OTHER: | For clarity, these Terms of Reference do not delegate any authority or corporate powers to the Committee. |

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: July 10, 2023
Subject: Appointment to the Shuswap Trails Roundtable

RECOMMENDATION

THAT Council appoints _____ to the Shuswap Trails Roundtable to represent the City of Enderby.

BACKGROUND

The City of Enderby contributes financially to the Shuswap Trails Roundtable. The Roundtable consists of stakeholder and partner organizations from throughout the region that meet annually to review and discuss the implementation of a multi-user trail strategy for the area that includes:

- appropriate acknowledgement of Secwepemc territory;
- accountable protocols for planning and approvals;
- a focus on ecology and access management priorities; and
- a commitment to work together.

A summary of the strategy is attached to the memorandum.

The Roundtable typically meets once per year and serves as a forum for collaboration and communication on the strategy.

While membership is open, given that the City of Enderby participates in the Roundtable financially, staff recommend that Council formally appoints one or more of its members as representatives to the Roundtable.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

Shuswap Regional Trails Strategy - Summary Document

Purpose

The purpose of the [Shuswap Regional Trails Strategy](#) is to protect, enhance and recognize trails as an integral part of the Shuswap lifestyle, culture and economy. The strategy ensures trails are appropriately authorized, mapped, developed, maintained, and promoted. It also works to protect and promote First Nations interests, reduce/repair ecological damage from all trail use, and manage land access appropriately. The strategy's process also serves to demonstrate collaborative management between all orders of government, industry sectors and stewardship groups. It aims to provide stability and security to all user groups, businesses, and the orders of government who invest in them. (See: Shuswap Regional Trails Strategy, Nov 22, 2016; and Shuswap Regional Trails Strategy Work Plan 2017)

Geographic Area

The strategy covers the entire Shuswap watershed, involving many jurisdictions including Secwepemc, provincial, and the Columbia Shuswap, Thompson-Nicola, and North Okanagan regional districts and some of their member municipalities.

Funding

It is important to note that the concepts and ideas contained in this strategy do not necessarily have funding in place; support or endorsement of this strategy by any organization does not imply that they have the funds to implement it. A collective approach to resourcing strategic actions is being used.

Proposed Outcomes and Deliverables

It's anticipated that there will be a suite of benefits achieved through collaboration by trail user groups, industry groups and orders of government:

- Greater recognition, protection and enhancement of trails
- Clarity on priority planning areas
- Improved communication and protocols
- Increased value and security, and more effective marketing of trail system assets, through consistent trail design and sign standards
- Optimization of limited shared resources

The four primary deliverables of this strategy are:

- Establishment of a regional Shuswap Trails Roundtable
- A formal commitment to work together (evidenced by signed Letter of Understanding)
- A strategy document and an implementation plan
- Maps of priority planning areas that can be used by all parties

The Shuswap Trails Roundtable

The role of the Shuswap Trails Roundtable is to implement the Shuswap Regional Trails Strategy, through direction of a quarterly Working Group. The Shuswap Trails Roundtable provides an annual forum for collaboration, communication, and forms an agreement to work together; however it is recognized that it is non-regulatory and has no authority for decision making regarding land use, permitting or authorizations.

The principles by which the STR operates are consistent with the Regional Trails Strategy:

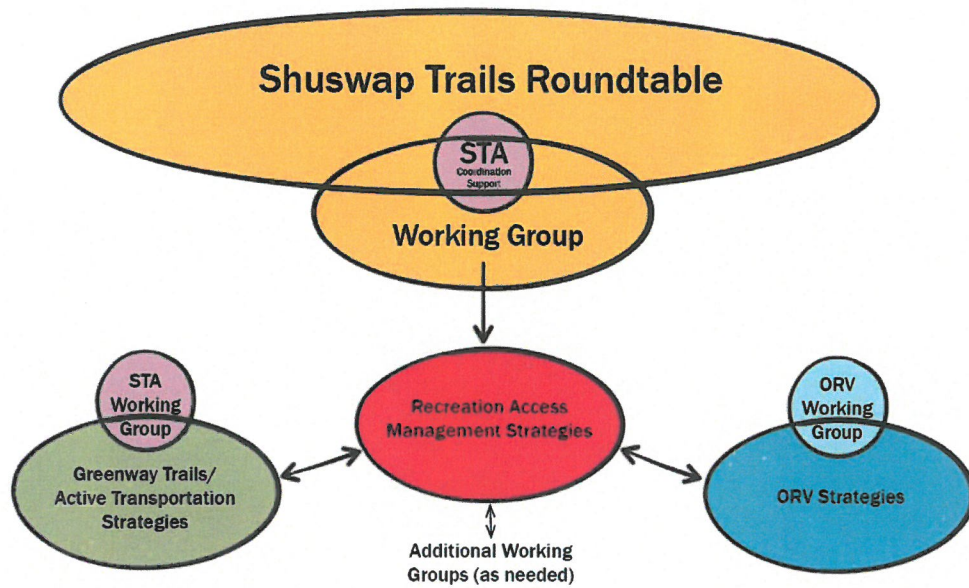
Y'icwetsutce (Stewardship) ~ Recognition of Aboriginal title and rights ~ Collaboration ~ Respect

The roundtable is open and inclusive and comprised of anyone with an interest in or responsibility to manage or promote trails, recreation, tourism and economic development in the Shuswap, including First Nations, local, and provincial governments, motorized and non-motorized trail user groups, industry sectors that overlap with trail use on Crown land, interest groups and others. It is administered on behalf of the participating organizations by the Shuswap Trail Alliance, with facilitation support through the Fraser Basin Council.

For information: See www.shuswaptrailalliance.com for more info and links to the Trail Strategy and Planning Map. For further information contact: Phil McIntyre-Paul, Executive Director, the Shuswap Trail Alliance, at 250-804-1964, email: phil@shuswaptrails.com.

Updated: February 10, 2017

Shuswap Regional Trails Strategy - Summary Document



Shuswap Trails Roundtable Governance Diagram

Updated: February 10, 2017

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: July 12, 2023
Subject: Participation in the RDNO Mosquito Control Pest Management Plan

RESOLUTION A

THAT the City of Enderby participates in the Regional District of North Okanagan Mosquito Control Pest Management Plan;

AND THAT Council supports funding, through prior-years' surplus, the incremental costs of hosting a public meeting that includes the City of Enderby, with the value not to exceed \$4,000.

RESOLUTION B

THAT the City of Enderby declines to participate in the Regional District of North Okanagan Mosquito Control Pest Management Plan at this time.

BACKGROUND

The Regional District of North Okanagan has invited the City of Enderby to participate in the first stage of a contemplated mosquito control service, which involves developing a pest management plan ("PMP").

Permits for pest management, such as mosquito control, are issued by the Province subject to the approval of a PMP, which must demonstrate reasonable public engagement, including with indigenous communities that have an interest in the area.

From the standpoint of obtaining Provincial approval, it is easier and more cost-effective to add the City to the contemplated mosquito control service at the PMP stage rather than after-the-fact. The RDNO is working with Duka Environmental Services on the development of the PMP. Attached to this memorandum is Duka's overview of the PMP development and permit application process, as well as expected timelines.

Should Council wish for the City to be included in the PMP, it does not create an obligation for the City to participate in the mosquito control service itself. Council would formally consider approving the City's participation through RDNO's service establishment process, at which point the particulars of the service would be expressed through an establishing bylaw that sets the cost apportionment method among the service participants. The change to the City's tax

requisition attributable to participation in this service would not be known until that point, but the high-level cost estimate for the City to participate is \$31,000 per year, which works out to \$19.90 per average household based on 2023 assessed values (the estimate is likely to change based on the outcomes of the exploratory process).

While the Province has provided funding to support mosquito control programs targeting West Nile vector species, the proposed pest management program focuses broadly on nuisance mosquitoes.

At this time, it is not yet known how the public meeting portion of the PMP will be conducted, but the RDNO does expect the City to cover its incremental costs of hosting a public meeting, should it choose to have one (staff suggest that this is advisable). In Resolution A, a cost estimate is provided based on what the consultant expects to be the highest cost exposure, which would involve funding a stand-alone meeting solely for the City of Enderby including travel; notwithstanding this scenario, efforts will be undertaken by City, RDNO, and the consultant to find efficiencies in the process (such as shared or consecutive meetings, when geographically viable for both the public and the consultant) so as to reduce the public meeting costs.

When considering the above resolutions, Council should expect a range of public opinion to be expressed on mosquito control, which is based on competing values and visions of what constitutes the public good:

- On the one hand, the program will reduce the mosquito population, although the degree to which this will reduce the nuisance that is experienced or perceived is not known at this time.
- On the other hand, mosquitoes have ecological value as biomass within the food web of the ecosystem (winged adults and larvae are sources of food for dragonflies, turtles, bats, and birds) and play a role as a pollinator. In addition, concerns may be raised over whether the pest control methods are proven to be without harm based on an evidence threshold that may vary from person to person. Finally, the PMP is required to engage with indigenous communities having an interest in the program area (at least nine indigenous communities have been identified) as a condition of permit issuance, and this may generate concerns or considerations affecting the viability of the initiative. Staff have taken a number of concerned inquiries from the public over the mosquito control program that was proposed for Mara earlier this year, which was withdrawn prior to implementation, and it is expected that the volume of concerned inquiries will increase if the program area includes the City.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

OFFICE MEMO

TO: Mr. Ian Wilson, General Manager, Strategic and
Community Services, RDNO

FROM: Curtis Fediuk, BSc., RPBio.,
President, Duka Ltd.

REF: Mosquito Control Program Development
Pest Management Plan Preparation

DATE: 23 June 2023
FILE: 120.23.005

As discussed, the attached Cost Estimate presents estimated expenditures for us to complete the development and submission of a Pest Management Plan (PMP) to the BC Ministry of Environment for the purposes of mosquito surveillance and control. The plan would be developed using an Integrated Pest Management (IPM) approach to mosquito population management and suppression for the areas defined as the City of Enderby, and RDNO Electoral Area F communities Mable Lake, Grindrod and Kingfisher.

Prior to the start-up of an operational mosquito surveillance and control program, a PMP must be developed and accepted by the BCMOE. With a minimum of 75-96 days recommended by the BC Ministry of Environment (BCMOE) to meet the identified milestones for PMP completion, advertising and consultation (First Nations, Public), it is recommended that this process begin as soon as possible. We have seen this process take upwards of 6 months and with a need for public information meetings likely, we are ready to begin developing the PMP immediately upon your acknowledgement to proceed. Once registered with the BCMOE, the PMP is valid for 5 years.

The following provides a brief summary of the PMP process:

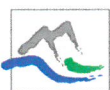
Phase I: PMP Updates, Advertisement and Solicitation of Input to the Plan

The current Pest Management Plan will be reviewed and content updated as necessary.

The *Integrated Pest Management Act and Regulation* requires at least two legal advertisements, in local newspapers, to advise of intended public land or aquatic pesticide use. The public, first nations and other stakeholders are invited by these advertisements to provide comments to the PMP holder or his designate, on PMP contents and the proposed mosquito population management and control program. In addition, First Nation input must be actively solicited by the PMP proponent. This would be achieved through letters, facsimile, email and telephone or personal contact with administrators, chiefs and council, as appropriate. There are at least nine BCMOE-identified First Nations/Indian Bands and Tribal Councils which will need to be contacted and which will require additional follow-up and consultation. Others may be suggested once the renewal is underway.

This aspect of the renewal process can take a minimum of 45 days, and typically requires more.

- 1 -



Duka Environmental Services Ltd.

Phase II: PMP Amendments/additions, *Confirmation Report*, *Pesticide Use Notice* and *Notice of Intent to Treat*, preparation and submissions to BCMOE


Once any information or requirements, which may have been proposed by the general public, First Nations, stakeholder or other interested groups or individuals and appropriate government agencies have been received, reviewed and incorporated into the document, the final version of the PMP is completed. At this point, *Duka Ltd.* would prepare the "*Pesticide Use Notice*" (PUN) form, the *Consultation Report* and submit these, along with final draft of the PMP, to the Pesticides Management Branch of the BCMOE, along with a cheque for the \$2000 processing/registration fee, on behalf of the RDNO. The annual "*Notice of Intention to Treat*" (NIT) form would also be completed and submitted at this time. In the first season this form can be submitted with the PUN.

This process requires a minimum of 30 days for BCMOE to review the PUN, Consultation Report, the PMP and the NIT. The BCMOE then issues a Pesticide Use Number Confirmation letter which confirms Pest Management Plan acceptance and the term of the 5 year approval.

For subsequent seasons, the NIT must be submitted at least 21 days prior to proposed pesticide use. Once accepted, the PMP is valid for 5 years.

We have prepared numerous PMPs, PUNs and NITs and would, immediately upon your confirmation to proceed, complete the PMP, confirm the advertisements and begin consultations with local First Nations. We have extensive experience in the preparation of Pest Management Plans and have developed over 45 PMPs for the purposes of Nuisance and West Nile virus vector mosquito control for over 30 communities and 5 Regional Districts since 2004. We have also recently undergone several successful BCMOE audits of *Duka Ltd.* prepared PMPs, consultation procedures and operational procedures.

Yours truly

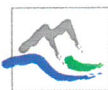


Curtis Fediuk BSc., RPBio.,
President

Duka Environmental Services Ltd.
19732 – 68th Avenue
Langley, B.C. V2Y 1H6

Tel: 604 881 4565
Email: duka@telus.net
Website: duka.consulting

Attach. Mosquito Control Program 2024 -2029 PMP Preparation cost estimate



Duka Environmental Services Ltd.

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: July 12, 2023
Subject: Digital Billboard Sponsorship Application and Policy Exemption – Grindrod Garlic Festival Society

RECOMMENDATION

THAT Council does not provide the Grindrod Garlic Festival Society with an exemption to Section 2 of the *City of Enderby Digital Billboard Policy* to allow messaging for an event taking place outside of the City of Enderby;

AND THAT Council provides the Grindrod Garlic Festival Society with an exemption to Section 8 of the *Digital Billboard Policy* in order to enable the Area 'F' Director to sponsor an event that is not related to an Area 'F' Community Hall activity, at the 50% discounted rate (\$50/day of messaging).

ALTERNATE RESOLUTION

THAT Council provides the Grindrod Garlic Festival Society with an exemption to Section 2 of the *City of Enderby Digital Billboard Policy* to allow messaging for an event taking place outside of the City of Enderby;

AND THAT Council authorizes a digital billboard sponsorship for the Grindrod Garlic Festival Society valued at \$1,400 in-kind.

BACKGROUND

The Grindrod Garlic Festival Society (the "Society") has submitted a Digital Billboard Sponsorship Application and is requesting an in-kind sponsorship valued at \$1,400 (2 weeks of advertising) for messaging related to the Grindrod Garlic Festival taking place on August 20, 2023 at the Quilakwa Ball Park.

Although the Society is a not-for-profit organization, which is a requirement for an organization to be eligible for a digital billboard sponsorship from Council, the Society is proposing to market an event which is occurring outside of the City of Enderby, which is contrary to Section 2 of the *City of Enderby Digital Billboard Policy* (attached); given this, the Society is requesting that Council provide an exemption to Section 2 of the Policy.

Staff are recommending that Council not support the exemption request for the following reasons:

- There is an administrative and capital cost burden associated with the use of the community digital billboard, which is wholly funded by City of Enderby taxpayers. An exemption to allow

messaging for events or programs located outside of the community results in subsidization of the marketing costs for events and programs which are not based in the community; this is an opportunity cost to City Staff that risks spiralling and departs from the original intent of the digital billboard investment (Area 'F' declined to participate at the time of purchase); and

- Providing an exemption to allow for messaging for an event taking place outside of the City of Enderby would likely set a precedent and result in similar exemption requests being brought forward.

Notwithstanding the above, it is recommended that Council provides the Society with an exemption to Section 8 of the *Digital Billboard Policy* in order to enable the Area 'F' Director to sponsor an event that is not related to an Area 'F' Community Hall activity, at the discounted rate of 50% (\$50/day of messaging); this approach would provide for administrative cost recovery and help fund the maintenance of the digital billboard, which has proven costly.

Alternatively, Council can choose to provide the Grindrod Garlic Festival Society with an exemption to Section 2 of the *City of Enderby Digital Billboard Policy* and authorize a digital billboard sponsorship valued at \$1,400 in-kind.

Respectfully Submitted,



Kurt Inglis
Planner

| | |
|---------------|-------------------|
| Policy Title: | DIGITAL BILLBOARD |
|---------------|-------------------|

| | | |
|--|---|-----------------------------------|
| <u>Effective Date:</u> September 2, 2014 | <u>Authorized By:</u> Mayor and Council Regular Meeting of September 2, 2014. | <u>Revised:</u> March 16, 2015 |
|--|---|-----------------------------------|

City of Enderby Digital Billboard Policy

The purpose of the community digital billboard is to display messages or announcements that improve awareness of civic and community events and programs sponsored by the City of Enderby.

Eligible Use

1. Messages issued by the City of Enderby may be posted on the billboard as needed.
2. Council may, at its sole discretion, sponsor the following up to a specified in-kind value for displaying messages on the billboard:
 - a. Enderby-based community groups which are registered not-for-profit organizations or charities which wish to make an announcement related to an event or program open to the community;
 - b. Local sports associations serving Enderby which are registered not-for-profit organizations or charities which wish to make an announcement related to a registration opportunity or an event open to the community; or
 - c. Other community groups or associations which may not be registered not-for-profit organizations or charities, when granted an exemption from Council.
3. For the purposes of calculating a sponsorship value, a single message running for one week shall be given an in-kind value of \$700, inclusive of basic set-up fees, but such message does not need to be displayed in consecutive days.
4. Set-up or coordination required in excess of basic set-up shall be charged to the recipient on a cost recovery basis.
5. For efficiency, Council may develop a list of organizations that it wishes to sponsor on an ongoing basis, with specified annual sponsorship values.
6. An organization seeking to be sponsored by Council must submit a sponsorship request at least 60 days prior to the proposed start date for its initial message but must still submit a message request at least 30 days prior to the desired display date as per #19 of this Policy.
7. Subject to budget allocation, the Enderby & District Services Commission may make recommendations to Council for the sponsoring of particular groups or organizations for the displaying of messages related to events and programming which are related to the Commission. The Commission may purchase advertising at a bulk discount of 75% for marketing of user-pay programs delivered by Recreation Services on behalf of the Commission.
8. The Area "F" Director may sponsor grants on behalf of Area "F" Community Halls which wish to make an announcement of a program or event related to the Community Hall activities, if approved by the Executive of the Community Hall. Area "F" sponsored advertising will be provided at a bulk discount of 50%.

Ineligible Use

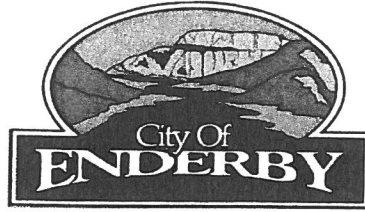
9. The use of the electronic billboard is limited to the dissemination of civic information or announcements made by Council-sponsored groups or associations in accordance with Section 2, above.
10. Political or religious messaging will not be accepted.
11. Images or comments of an obscene, hateful, explicit, racial, abusive, defamatory or sexual nature, or that encourages illegal activities, will not be accepted.

Design, Frequency and Duration of Messages

12. The design, frequency and duration of any message are at the discretion of the City.
13. The City reserves the right to change or reject a message, postpone it to a later date, choose an alternate end date, or substitute any message for another on a temporary or permanent basis.
14. The minimum duration of a displayed message is 1 week, which may be non-consecutive days, and the maximum duration of a displayed message is 3 weeks.
15. The number of civic messages on display in any given sequence is at the discretion of the City.
16. The maximum number of sponsored messages on display in any given sequence is 3.
17. If an event or activity is cancelled before or during the broadcast, the organization must notify the City of Enderby immediately. An announcement of cancellation will not count against the in-kind sponsorship value granted by Council.
18. The City reserves the right to establish an order of priority on messages. City announcements have precedence over other display messages.
19. Unused in-kind sponsorship value cannot be redeemed for cash or carried over to the following calendar year.
20. Message requests must be received at least 30 days before the desired display date and must comply with this usage policy.
21. All requests must be submitted using the required form.
22. As a condition of application, the applicant shall agree that the City is not responsible for liability or damage owing to any error, omission, interruption, refusal, or termination of a message.

Delegation

23. Council delegates to staff operation of the digital billboard.
24. A sponsored applicant may request reconsideration by Council of a message refused or altered by staff.
25. Only Council or the Area "F" Director may sponsor an applicant.



619 Cliff Avenue
P. O. Box 400
Enderby, B. C. V0E 1V0

The Corporation of the City of Enderby
Where the Shuswap Meets the Okanagan

Tel: (250) 838-7230
Fax: (250) 838-6007
Website: www.cityofenderby.com

Digital Billboard Sponsorship Application

Please Note: This form must be submitted at least 60 days prior to the requested start date of initial messaging.

Name of Organization/Society:

Grindrod Garlic Festival Society

Name of Applicant:

Helen Pleavin

Phone Number:

=

Email:

hpleavin@grindrodgarlicfestival.com

Nature of Messaging:

(community events, programming,

announcements, etc.)

Garlic Festival Date

Location Time

Aug 20, 2023, 10-4, Quilakwa Park

Annual Sponsorship Needs:

14 days

Requested Value of Sponsorship:

\$ 1400

(NOTE: Each message will be displayed for a minimum of one week, which may be non-consecutive days, to a maximum of three weeks. One week of messaging = \$700 in-kind value.)

Please note this event takes place on Splatkin Land at Quilakwa Park. As such I am requesting an exemption for the Garlic Festival to advertise on the city billboard.

Helen Pleavin
Signature of Applicant

July 1, 2023
Date

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer

From: Kurt Inglis, Planner

Date: July 12, 2023

Subject: Mary Jane Rigs 'n Cannabis – Request to Amend Business License Regulations Related to Retail of Cannabis

RECOMMENDATION

THAT Council directs Staff to engage with the owners of Mary Jane Rigs 'n Cannabis to identify the particular elements of the City's Business License Regulations related to the retail of Cannabis that are interfering with their operations, and report back to Council with an evaluation of those particular items.

ALTERNATE RESOLUTION A

THAT Council directs Staff to prepare a comprehensive analysis comparing the City's Business License Regulations for the retail of Cannabis against the Provincial and Federal requirements, upon which Council can consider which local regulations it wishes to keep, amend, or remove.

ALTERNATE RESOLUTION B

THAT Council directs Staff to make no changes to the City's Business License Regulations related to the retail of Cannabis at this time.

ALTERNATE RESOLUTION C

THAT Council directs Staff to prepare an amendment to the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 to remove all local regulations related to the retail of Cannabis, including the sector-specific business licensing class.

BACKGROUND

In 2017, Council adopted amendment bylaws to the Business License and Regulation Bylaw No. 1558, 2014 and Fees and Charges Bylaw No. 1479, 2010, which together formed a business licensing regime for the retail of Cannabis; under this framework, 'Cannabis-Related Businesses' are subject to a range of business license regulations related to security, police information checks, hours of operation, signage, and surveillance, and are required to obtain a sector-specific business license; a copy of the Business License regulations related to the retail of Cannabis is attached to this memorandum as Schedule 'A'.

To date, the City has amended its Business License and Regulations Bylaw and Fees and Charges Bylaw in order to:

- Reduce the sector-specific business license application fee for Cannabis-Related Businesses from \$5,000 to \$3,000;
- Reduce the sector-specific business license renewal fee for Cannabis-Related Businesses from \$5,000 to \$1,500;
- Remove the provision within the Business License and Regulation Bylaw which restricts Cannabis-Related Businesses from blocking the windows of the premises with opaque material, artwork, posters, shelving or any other material; and
- Remove the requirement for a Cannabis-Related Business to have at least two employees present on the premises at all times, including one manager, when open to the public.

The City has received the following request from the owners of Mary Jane Rigs 'n Cannabis to amend its Business License Regulations in order to not regulate Cannabis retailers over and above the requirements outlined in the Cannabis Retail Store License Handbook¹ produced by the Liquor and Cannabis Regulation Branch:

Hi Kurt

As per our previous conversations, I would like to request that Enderby changes their bylaws around Cannabis to reflect the details outlined in the Federal government handbook. This would include all aspects of Cannabis including background checks, store hours of operation, advertising, signage, etc.

Please advise if there is any further information you require.

Regards

Shelley Freund

Vince Tidder

Mary Jane Rigs 'n Cannabis

Given that it would take a significant amount of Staff resources to prepare a full analysis comparing the City's existing Business License Regulations for the retail of Cannabis against the Provincial and Federal requirements for Council consideration, it is recommended that Council directs Staff to engage with the owners of Mary Jane Rigs 'n Cannabis to identify the particular elements of the City's Business License Regulations related to the retail of Cannabis that are interfering with their operations, and report back to Council with an analysis on those particular items; this approach would allow for a more targeted analysis, consistent with available Staff capacity.

Alternatively, Council can choose to:

- Direct Staff to prepare a comprehensive analysis comparing the City's Business License Regulations for the retail of Cannabis against the Provincial and Federal requirements, upon which Council can consider which local regulations it wishes to keep, amend, or remove;

¹ Cannabis Retail Store Licence Handbook - <https://tinyurl.com/yc56vuxa>

- ii. Direct Staff to make no changes to the City's Business License Regulations related to the retail of Cannabis at this time; or
- iii. Direct Staff to prepare an amendment to the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 to remove all local regulations related to the retail of Cannabis, including the sector-specific business licensing class.

Respectfully Submitted,



Kurt Inglis
Planner

THE CORPORATION OF THE CITY OF ENDERBY
BYLAW No. 1558
A bylaw to regulate and license business

WHEREAS pursuant to Section 8(6) and Division 9 of the *Community Charter* a Council may regulate in relation to business;

AND WHEREAS pursuant to Section 15 of the *Community Charter* a Council may provide for a system of licenses, permits, or approvals;

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

1. CITATION

- a. This Bylaw shall be cited as "City of Enderby Business License and Regulation Bylaw No. 1558, 2014".

2. DEFINITIONS

- a. In this bylaw:

"business" means the carrying on of a commercial or industrial undertaking of any kind, or the providing of professional, personal, or other services for the purpose of receiving income, profit or other form of consideration, but does not include an activity carried on by a Municipal, Provincial, or Federal Government, Crown Corporation, or a not-for-profit or charitable society, or agricultural producers not involved in retail or the production of medicinal ~~marijuana~~ cannabis;(1669)

"Cannabis" has the same meaning as defined within the Cannabis Act, as amended from time to time. (1669)

"Cannabis-Related Business" means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of cannabis or cannabis-containing products, including but not limited to dispensaries and compassion clubs, as permitted by Provincial and Federal enactment. (1669)

"City" means the Corporation of the City of Enderby;

"Chief of Police" means the officer in charge, as appointed from time to time, of the local police detachment and includes his or her designate; (1669)

vi. The license period for a Mobile Vendor shall commence on the date that the application for a license, or license renewal, is approved and terminate on December 31, on each and every year this bylaw is in effect. An application for a license, or license renewal, is not required until such time as the Mobile Vendor has received approval to operate on a property, public space, boulevard, or highway owned or otherwise controlled by the City of Enderby or Enderby & District Services Commission for that calendar year. (1622)

vii. The license period for a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) shall be one (1) year, to commence on January 1 and terminate on December 31, on each and every year this bylaw is in effect. An application for a license renewal for a ~~Marihuana-Related Business~~ Cannabis-Related Business must be received by the City by December 15th in each calendar year. (1626)

b. License Period

- i. Licenses shall be issued in perpetuity for a business carried on in accordance with the original license issued from the date of issue or from the date of renewal in the case of an existing license with an expiry date prior to April 30, 2009.
- ii. The License Inspector may request confirmation of the ongoing nature of the business and, in the event that no confirmation is provided within a period of 60 days, may cancel the license.
- iii. The license period may be amended or cancelled by bylaw at any time by Council.
- iv. The license period for a trade show, performance, concert, exhibition, entertainment function or other event that is not ongoing in nature shall be for the duration of the event, not to exceed seven (7) days. Events exceeding seven (7) days must receive a written exemption from the License Inspector.

c. License Application and Fee

- i. Every person who wishes to acquire a license shall make application to the City on the prescribed form and pay a license fee.

at one location longer than is necessary to serve customers, and at no time shall remain stopped for longer than twenty (20) minutes at any one location.

i. ~~Marihuana-Related Business~~ Cannabis-Related Business: (1669)

i. No ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) shall operate in the City of Enderby without first having obtained a license.(1626)

ii. Every person who makes an application for a license to operate a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) must demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations. (1626)

iii. A person applying for the issuance of renewal of a license to carry on a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) must:

a) make application to the License Inspector on the form provided for that purpose;

b) pay to the City the applicable license fee under the City of Enderby Fee and Charges Bylaw No. 1479, 2010, as amended from time to time;

c) provide a security plan for the premises that, in the opinion of the License Inspector, describes adequate security measures to mitigate risk of theft or robbery at the premises;

d) provide proof of a security and fire alarm contract that includes monitoring at all times during the period for which the license is being sought.

e) Provide proof of ownership or legal possession of the premises;

f) Provide a current police information check for:

1. the applicant;

2. if the applicant is a corporation, each shareholder, officer and director; and

3. each on-site manager; and

- g) provide any other documents required by the License Inspector. (1626)**

iv. The License Inspector may suspend or refuse to issue or renew a license for a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) if:

- a) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:**

- 1. was convicted anywhere in Canada of an offence involving dishonesty;**

- 2. was convicted, found guilty of, or liable for any contravention or offence related to the conduct of a business similar to that which the license relates;**

- 3. was convicted, found guilty of, or liable for any contravention or offence, in Enderby, against this bylaw or against any bylaw authorizing the issuance of a business license or regulating the conduct of a business; or**

- 4. was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the license or required to be stated in, the application (1626)**

v. A license holder for a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) must:

- a) install video surveillance cameras that monitor all entrances and exits and the interior of the premises at all times;**

- b) retain video camera data for at least 21 days after it is gathered;**

- c) install a security and fire alarm system that is, at all times, monitored by a licensed third party;**

- d) ~~not allow marihuana cannabis, products containing marihuana cannabis or other valuables to remain on~~**

~~the on the premises when not open to the public, unless the marihuana cannabis, products and other valuables are securely locked in a safe on the premises; (1669)~~

d) have locked retail display cases for all cannabis and cannabis-related accessories which are not accessible to patrons, except for the contents of smell jars, which must be physically attached to a display case or counter and not accessible to touch by patrons and must have a locked cannabis storage room. (1669)

e) prominently display a sign on the premises indicated that no persons under 19 years of age are permitted on the premises unless accompanied by a parent or guardian

~~f) ensure that two employees are present on the premises at all times when open to the public, including one manager; [Reserved] (1729)~~

g) promptly bring to the attention of the License Inspector:

1. the name of any new on-site manager, officer, director or shareholder of the licensee; and

2. any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee;

h) promptly provide to the License Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee; and

i) instal and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties. (1626)

vi. ~~No Marihuana-Related Business Cannabis-Related Business~~ (1669) shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18. (1626)

vii. A license holder for a ~~Marihuana-Related Business Cannabis-Related Business (1669)~~ must not do any of the following:

- a)** Permit a person under 19 years of age to enter or remain on the premises of the ~~Marihuana-Related Business Cannabis-Related Business (1669)~~ unless accompanied by a parent or guardian over 19 years of age;
- b)** Operate the ~~Marihuana-Related Business Cannabis-Related Business (1669)~~ between the hours of 7 p.m. and 8 a.m. the following day;
- c)** Permit the consumption of any ~~marihuana cannabis (1669)~~ containing product on the premises;
- d)** ~~Block the windows of the premises with opaque material, artwork, posters, shelving or any other material; (1705)~~
- d)** Display items related to the consumption of ~~marihuana cannabis (1669)~~ in any manner by which the display may reasonably be seen by a minor who is outside the premises;
- e)** Advertise or promote the use of ~~marihuana cannabis (1669)~~ in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the premises;
- f)** Display any advertising or sign that is visible from outside of the premises, except for signs which display no images and contain only:
 - i.** alpha-numeric characters,
 - ii.** the business name, andare consistent with the requirements of Section 310 of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time; and
- g)** Use the premises to carry on business other than that defined as a ~~Marihuana-Related Business Cannabis-Related Business (1669)~~. (1626)

viii. For the purposes of this bylaw, any business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of ~~marihuana~~ cannabis (1669) or ~~marihuana~~ cannabis-containing products (1669) shall be considered a ~~Marihuana-Related Business~~ Cannabis-Related Business (1669) and will be subject to all the applicable terms, conditions, and fees of a ~~Marihuana-Related Business~~ Cannabis-Related Business(1669). (1626)

j. Pawnshops:

- i.** Each Pawnshop must establish and maintain a Pawnshop Register of all property taken in Pawn or purchase by the Pawnbroker. (1669)
- ii.** Each Pawnshop, immediately after the purchase or taking in Pawn of any property, must set out in the Pawnshop Register, in the English language, a record of the Pawn, in chronological order by date of Pawn. The record must include:
 - a.** The name, residence or street address of the Pawner or seller from whom the Pawnshop, or any employee of the Pawnshop, took the property in Pawn of purchase;
 - b.** Confirmation of the identity of the Pawner or seller by way of picture identification including a complete description of the picture identification and name of the authority who issues it;
 - c.** A complete description of the property including the make, model, serial number, and any distinguishing or identifying marks.
 - d.** Whether the acquisition is a Pawn or a purchase;
 - e.** The price paid for the property in Pawn or Purchase; and
 - f.** The precise date and hour of taking the property in Pawn or purchase. (1669)
- iii.** A Pawnshop must not amend, obliterate or erase any entry in the Pawnshop Register, either wholly or partially or electronically or manually, until such time as the Pawnshop Register may be disposed in accordance with Section 5.j.(vii)(a). (1669)

SCHEDULE 1

CORPORATE SERVICES FEES

| | | | | |
|----|--|----|----------|----------------------|
| a. | List of Electors (candidates for local government elected office shall receive the first copy at no charge | \$ | 20.00 | |
| b. | Minutes of Council proceedings | \$ | 0.25 | per page |
| c. | Copies of bylaws | \$ | 1.00 | per page |
| d. | Photocopying | \$ | 0.50 | per page |
| e. | Copy of the Official Community Plan – Text | \$ | 10.00 | |
| | – Maps | \$ | 5.00 | |
| f. | Copy of the Zoning Bylaw – Text | \$ | 20.00 | |
| | – Map | \$ | 5.00 | |
| g. | Copy of the Subdivision Bylaw | \$ | 100.00 | |
| h. | Fax charges | \$ | 2.00 | first page |
| | | \$ | 1.50 | each additional page |
| i. | Tax Certificates | \$ | 15.00 | |
| j. | NSF cheques | \$ | 25.00 | |
| k. | Copies of Infrastructure Maps | \$ | 1.00 | per page |
| l. | Research and Copy of Property Service Cards | \$ | 5.00 | |
| m. | Building Permit Deposit Liability | \$ | 350.00 | |
| n. | Business License Fee | \$ | 75.00 | |
| o. | Annual Rental Fee for Mobile Vendor Operating on Public Property | \$ | 100.00 | |
| p. | Annual Business License Fee for Cannabis-Related Business | \$ | 3,000.00 | |
| q. | Annual Business License Renewal for Cannabis-Related Business | \$ | 1,500.00 | |

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner
Date: July 12, 2023
Subject: Request to Place a Portable Flag Sign on the Sidewalk Adjacent to 611 Cliff Avenue

RECOMMENDATION

THAT Council does not permit the placement of portable signs on public sidewalks, other than sandwich boards, pursuant to the City's *Sidewalk Encroachments Policy*.

ALTERNATE RESOLUTION

THAT Council directs Staff to report back to Council with a proposed amendment to the City's *Sidewalk Encroachments Policy* to broaden the placement of portable signs on public sidewalks, including flag signs.

BACKGROUND

The City has adopted a *Sidewalk Encroachments Policy* (attached) which establishes conditions to permit encroachments on City sidewalks for an adjacent business to advertise and display goods and services. For the purposes of the Policy, a "sidewalk encroachment" typically includes tables and chairs, sandwich boards, display racks, awnings, and overhead fixed projecting signs that are placed on or suspended above a City sidewalk. In order for a business to place a sidewalk encroachment upon an adjacent sidewalk, they must first obtain a Sidewalk Encroachment Permit from the City (application form is attached).

The City has received a request from the owner of 611 Cliff Avenue to permit the placement of a 2.13 m (7 foot) tall portable flag sign on the sidewalk adjacent to their property (photos are attached as Schedule 'A'). Staff have not issued Sidewalk Encroachment Permits for this kind of portable sign in the past and have several concerns. The owner is requesting an exception for their business.

Staff are recommending that Council not permit the placement of portable signs on sidewalks, other than sandwich boards, for the following reasons:

- The City's insurer has confirmed that the City may be partially liable if an incident arose out of the placement of portable signs on public sidewalks if it was reasonably aware of the existence of a hazard, even if covered by the permittee's insurance;
- City Staff have researched the use of portable signs in other communities (Salmon Arm, Vernon, Kelowna and Revelstoke) and found that they are not permitted to be located on public property, except for sandwich board signs (there is an exception in certain communities for

leased sidewalk patios that are semi-enclosed, whereby portable signs are permitted subject to certain restrictions);

- Should Council permit the placement of portable signs on sidewalks, every business would be provided the same opportunity to place this type of unit on the sidewalk adjacent to their property, which could result in a large number of flag signs being placed within the commercial core;
- Should Council permit the placement of portable signs on sidewalks, beyond sandwich boards, and invites local businesses to invest in these types of units, it would be very difficult to scale back their use in the future in the event that there are negative consequences;
- Permitting both sandwich boards and flag signs on sidewalks will likely result in interference with street parking and the flow of pedestrian traffic, given the large number of encroachments that would be permitted and the limited sidewalk space available; and
- The City's *Sidewalk Encroachments Policy* already allows businesses to place sandwich boards on the sidewalk adjacent to their property for marketing purposes, which are a more appropriate standard (flag signs are large in size and are prone to falling if they are not well secured to a heavy base). Furthermore, projecting signs affixed to buildings and awnings are currently permitted and offer similar forms of advertising without interfering with accessibility, presenting hazards associated with the sign height and an unsecured base, and interfering with the streetscape.

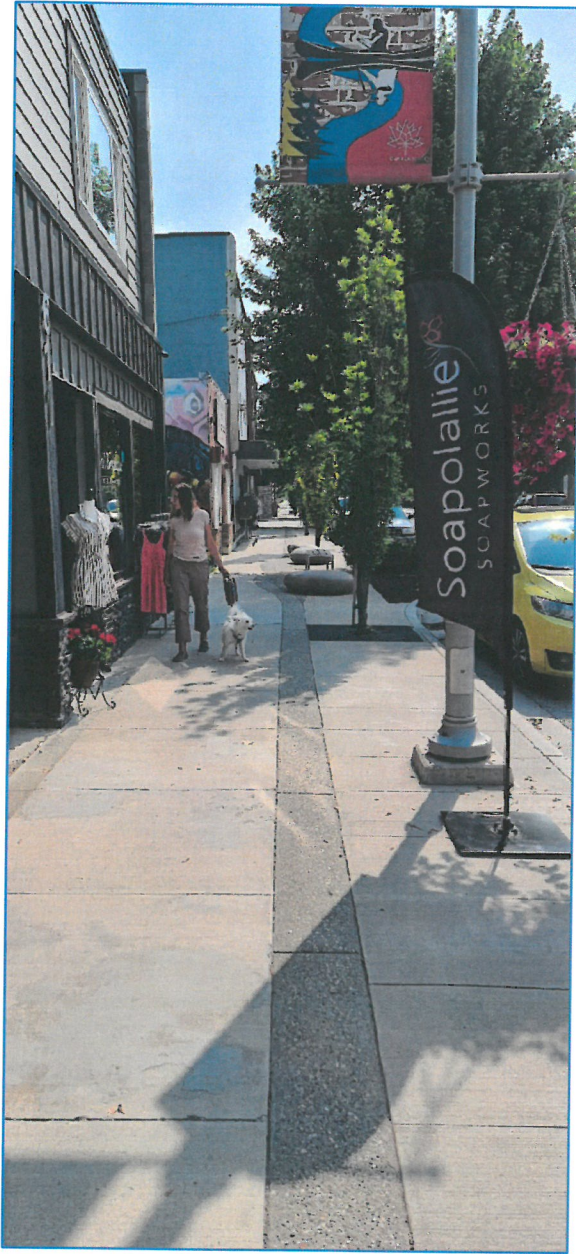
Alternatively, Council can direct Staff to report back to Council with a proposed amendment to the City's *Sidewalk Encroachments Policy* to specifically allow for the placement of portable signs on sidewalks, including flag signs, in addition to sandwich board signs. Staff advise that there will be a fairly significant amount of work involved in evaluating the safety of the proposed portable signs in terms of construction quality, suitability of base, and placement relative to parking, pedestrian traveled areas, and operational needs.

Respectfully Submitted,



Kurt Inglis
Planner

SCHEDULE 'A'





Soapolallie Soapworks Ltd
11 - 611 Cliff Ave (#42)
Enderby, BC V0E1V0

July 11, 2023

Attention: **City of Enderby** **Enderby City Council**

RE: City Encroachment Policy - Sign located on public property

I have recently purchased a 7' tear drop flag sign with my company logo from Transition Marketing Services in order to bring more awareness of my business and its location to the public. It has been brought to my attention that I am unable to display my new teardrop sign in front of my store on public property since it is currently not specifically permitted. I have a valid sign permit that allows other types of signage but not the flag sign.

This flag sign is important to my business because my store front is set back and connected to a residential entryway. Even with the sandwich board it is very difficult for people to see the store if they have not been here before. I have had many people say that they have "never seen" this store before, even after almost 3 years in this location. Since much of my business relies on tourism and new customers from out of town it is imperative the store has as much visibility as possible. As evidence of that I am attaching an email from a customer.

I am currently using a sandwich board to let potential customers discover my store but am finding it to be lacking in effectiveness, which is why I needed an alternate solution. The placement of the sign was very important and I was able to find a spot on the sidewalk, next to the light standard, that would not inhibit foot traffic flow or impede the parked vehicle doors opening. I was also able to bring my sandwich board off the sidewalk to allow a larger area for pedestrians and mobility- assist units to pass.

In the two weeks of having the sign out on the sidewalk, three customers said to me that they saw my sign from the highway which caused them to stop in Enderby. This is evidence that the sign was working and it was reflected in my sales.

The sign itself is well designed and simple and has and a heavy base (14kg) that will hold the sign in place and not allow the sign to blow over in the wind. Since I do not own the building I am located in I am unable to put a sign on the structure. This is the only option I have to make my business more visible.

I am requesting an exception to allow the flag sign to be displayed.

Thank you for considering this request.

Shelley Verlaan

attachment

RE: Sign Request

1 message

Darlene Breakwood

To: Shelley Verlaan

8 July 2023 at 17:48

No probs, Shelley! Good luck!

Sent from my Galaxy

----- Original message -----

From: Shelley Verlaan

Date: 2023-07-08 4:32 p.m. (GMT-08:00)

To: Darlene Breakwood <

Subject: Re: Sign Request

Awe you are just the best. Thank you so much for this. I'll let you know if they let me keep my sign or not.

Warm regards

Shelley

On Sat, Jul 8, 2023, 2:48 p.m. Darlene Breakwood

/rote:

To whom it may concern:

Even though I have been to Enderby several times in the last three years to visit my daughter I was unaware that Soapolallie existed.

I was at the Enderby Farmer's market on Friday, July 7th and had wandered to the nearby stores as well, but did not see Soapolallie. The only reason I discovered Soapolallie was because I liked the handmade soaps my daughter had. When I inquired as to where my daughter got them, she indicated Soapolallie. I promptly walked over to Soapolallie and purchased four of them. If not for my daughter I would not have known of this business.

Shelly Verlaan could really benefit from being allowed a highway sign as she has indicated that I am not the only person who has told her that her business is not very visible.

Regards,

Darlene Breakwood

Sent from my Galaxy

| | |
|--------------|------------------------|
| Policy Title | Sidewalk Encroachments |
|--------------|------------------------|

| | | |
|-----------------------------|-------------------------------------|--|
| Adopted: August 15, 2022 | Authorized By: Mayor and Council | Replaces: Policy – Sidewalk Encroachments (July 15, 2013) |
|-----------------------------|-------------------------------------|--|

PURPOSE:

This policy establishes conditions to permit encroachments upon or above City sidewalks for an adjacent business to advertise and display goods and services.

DEFINITION:

A “sidewalk encroachment” includes, but is not limited to, tables and chairs, sandwich boards, display racks, awnings, and overhead fixed projecting signs that are placed on or suspended above a City sidewalk.

POLICY:

1. All sidewalk encroachments shall require a permit obtained from the City of Enderby Corporate Officer or that person’s deputy or designate.
2. Unless exempted by Council, the permittee shall provide a minimum of \$2,000,000 commercial general liability insurance with the City of Enderby as an additional insured.
3. The permittee shall defend, indemnify, and hold harmless the City and its officers, agents, and employees for any and all claims, demands, actions, damages, losses, and expenses, including attorney fees and costs of litigation, arising out of, or relating to, the sidewalk encroachments.
4. Sidewalk encroachments shall be located only on or above the sidewalk adjacent to the property and the advertising and product displayed must be related to the primary business operation.
5. Subject to Sections 6 and 7, sidewalk encroachments shall not exceed the following quantities and sizes, per adjacent property:
 - Tables – 30” x 30” or 42” in diameter, to a maximum of 4
 - Sandwich Board – 30” wide by 40” high, to a maximum of 1
 - Display Racks – 30” x 6’, to a maximum of 2
6. Sidewalk encroachments placed on the sidewalk shall not be within the normal travel portion of a sidewalk and must always allow a minimum 3’ travel width.

7. Sidewalk encroachments must be secured or weighted sufficiently to prevent any encroachment from being moved by the wind.
8. Sidewalk encroachments shall not interfere with street parking.
9. Sidewalk encroachments, except for awnings and fixed projecting signs, must be removed at the end of the business day.
10. The issuance of a sidewalk encroachment permit does not grant the permittee an exclusive right to occupy public property such that the general public is restricted from using the space in an ordinary or customary way.
11. The permitting of a sidewalk encroachment does not replace or supersede a requirement to comply with another enactment of the City of Enderby, including its Building Bylaw and Zoning Bylaw, to the extent that either may apply.
12. In the event that a permit is cancelled, the permittee must remove mobile or temporary sidewalk encroachments immediately and must remove fixed or permanent sidewalk encroachments as soon as reasonably practicable, unless a hazard requires its immediate removal.

City of Enderby

SIDEWALK ENCROACHMENTS PERMIT

The City of Enderby grants permission to place the following sidewalk encroachments on or over that portion of the sidewalk adjacent to the premises listed below.

Business Name: _____

Business Location: _____

Telephone: _____

Email: _____

Permission is granted to locate the following on the adjacent sidewalk (specify quantity):

Tables & Chairs (maximum 4 tables) _____

Display Racks (maximum 2) _____

Sandwich Board Sign (maximum 2) _____

Awning or Fixed Projecting Sign _____

Other (please specify) _____

The Permittee hereby acknowledges that, by making this application, they have read, understand, and agree to abide by the terms and conditions expressed in the attached Sidewalk Encroachments Policy, including any amendments thereto.

Permittee Name Date

For Office Use Only

Approval Date: _____

Corporate Officer: _____

Additional Conditions: _____

