



## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, August 21, 2023 at 4:30 p.m. in Council Chambers.

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

Absent: Councillor Shawn Shishido

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

Other: Press and Public

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### **LAND ACKNOWLEDGEMENT**

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

### **APPROVAL OF AGENDA**

Moved by Councillor Schreiner, seconded by Councillor Yerhoff  
*“THAT the August 21, 2023 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

Meeting Minutes of July 17, 2023

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT the July 17, 2023 Council Meeting minutes be adopted as circulated.”*

CARRIED

### **PUBLIC HEARINGS**

Official Community Plan Amendment, Rezoning and Zoning Amendment #0014-23-OR-END

The regular meeting gave way to the public hearing at 4:35 p.m.

The regular meeting re-convened at 6:34 p.m.

## **DEVELOPMENT MATTERS AND RELATED BYLAWS**

### **Official Community Plan Amendment, Rezoning and Zoning Amendment #0014-23-OR-END (Third Reading and Adoption)**

Councillor Schreiner stated that, while he intended to vote against the amendments, as a community we need and should be accepting of all types of housing, including rentals.

Councillor Ramey stated that the zoning text amendment to reduce the required square footage for a triplex is significant and he expects that the developer will need to request further variances in the future should this development go ahead.

Councillor Davyduke thanked the public for coming and voicing their concerns. Explained that many of the questions and concerns have been addressed, and that this proposal only results in an increase in density of 1 dwelling. Stated that she is supportive of the application.

Councillor Baird explained that this is a difficult lot to build on. There is a lack of available lots in Enderby for housing and if a developer can find a way to develop this land for housing, she is supportive.

Councillor Yerhoff thanked members of the public for attending. Explained that we are in a housing crisis and this creates housing. Stated that she is supportive of the application.

Mayor Galbraith Thanked members of the public for their input. Explained that new housing, especially affordable housing is important. Stated that he is supportive of the application.

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council receives and files the attached Staff Report dated July 13, 2023;*

*AND THAT having considered the input of the Public Hearing, Council gives third reading and adopts the 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 m<sup>2</sup> (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;*

*AND THAT having considered the input of the Public Hearing, Council gives third reading and adopts the City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1774, 2023 which proposes the following for a 722.4 m<sup>2</sup> (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. 1774:*

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 m<sup>2</sup> (10,764 square feet) to 700 m<sup>2</sup> (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),*

*AND THAT adoption of City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1773, 2023 shall come into force and effect once the proposed boundary lot adjustment subdivision associated with the subject properties (File No.: 23-0350-END-SUB) is complete;*

*AND FURTHER THAT adoption of City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1774, 2023, shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw and the proposed boundary lot adjustment subdivision (23-0350-END-SUB) is complete.”*

CARRIED  
OPPOSED Councillor Schreiner  
Councillor Ramey

Development Variance Permit #0062-23-DVP-END

Mayor Galbraith asked if the public would like to make representation.

**Marla Jean Matutat, 122 Timberlane Road, Enderby BC**

- Concerns that the costs to fund the infrastructure, for which the applicant is requesting a variance, will fall to the taxpayer.
- Concerns about water pressure in the area and the effect that adding five new homes will have.
- Concerns about the future need for water in the area and the proposed road standard.

Planner explained that there are no plans to service Timberlane road with community sewer, or to add sidewalks and curbing in the future as it is a rural road. The expectation is that the developer will construct to centreline or provide cash-in-lieu for a future road renewal to match the current and expected service levels of the road.

Chief Administrative Officer further explained that it would be unfair to a developer to collect cash-in-lieu for infrastructure that the City never intends to build.

The Planner read the written submission:

**Marla Jean Matutat, 122 Timberlane Road, Enderby BC**

- Asked what the costs of the requirements that the developer is asking to vary would be.
- Concerned that this decision will set a precedent for future development.
- Asked why the developer is asking for these requirements to be varied at this stage of the project.
- Concerned about the condition of Gunter-Ellison Road and the increase in traffic from this and other new developments in the area.

- Concerned about the safety of pedestrians on Gunter-Ellison Road.
- Concerned about increased traffic and heavy machinery on Timberlane Road during the construction of the new homes.
- Concerned about the burning of organic materials cleared from the lots.
- Concerned that the cost of future upgrades to the road will fall to the taxpayer.
- Concerned about the trees being removed and the impact to the beauty and privacy of the area.

Mayor Galbraith invited the developer to speak to the application.

**Stephen Smith, Applicant**

- Noted that he also lives on Timberlane Road and has never had an issue with water pressure.
- Explained that the burning that occurred was permitted by the City and was only done in an area that was inaccessible to machinery. He plans to have the remainder chipped and removed.
- Noted that there are many streets in the City that do not have curbs and sidewalks.

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 27274 EXCEPT PLAN KAP59772 and located at 107 Timberlane Road, Enderby B.C. to vary the Local Road Standards set out in Section 2.0 of Schedule “A” of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring the provision of curbing, sidewalks, or sanitary sewer main along Timberlane Road, as part of construction to centreline requirements for the proposed subdivision at 107 Timberlane Road, Enderby BC.”*

CARRIED

**CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS**

**Mary Jane Rigs ‘n Cannabis – Request to Amend Business License Regulations Related to Retail of Cannabis**

Moved by Councillor Baird, seconded by Councillor Schreiner  
*“THAT with respect to regulating the hours of operation for Cannabis-Related Businesses, Council amends the bylaw to restrict Cannabis-Related Businesses from operating before 9:00 am or after 11:00 pm, consistent with the provincial requirement.”*

CARRIED

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT with respect to regulating the display of items for Cannabis-Related Businesses, Council amends the bylaw to remove the regulation which restricts the display of items related to the consumption of cannabis which can be seen by a minor outside of the premises and defer to the provincial requirement which prohibits window displays.”*

CARRIED

Moved by Councillor Baird, seconded by Councillor Ramey  
*“THAT with respect to regulating advertising, promotion and signage for Cannabis-Related Businesses, Council amends the bylaw to remove the regulation which, i) restricts the*

*advertisement or promotion of cannabis which can be seen or heard by a minor who is outside the premises, and ii) restricts signs from only displaying alpha-numeric characters and the business name, and include regulations related to advertising, promotion and branding, consistent with the provincial requirements.”*

CARRIED

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT with respect to regulating the provision of police information checks for Cannabis-Related Businesses, Council amends the bylaw to remove the regulation which requires Cannabis-Related Businesses to provide police information checks at any point in the business licensing application process, and defer to the background checks required as part of the provincial licensing process.”*

CARRIED

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council directs Staff to report back with a proposed adjustment to the business license application and renewal fee for Cannabis-Related Businesses that has a reasonable relationship between the fee charged and the service provided.*

*AND THAT Council directs staff to prepare amendment bylaws to the City of Enderby Business License and Regulation Bylaw No. 1558, 2014 and the City of Enderby Fees and Charges Bylaw No. 1479, 2010 to the extent needed to implement the changes.”*

CARRIED

Business Street Banner Program

Moved by Councillor Schreiner, seconded by Councillor Baird  
*“THAT Council does not pursue a business street banner program at this time and continues to fund the placement and renewal of street banners which are focused on community promotion and public art;*

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

CARRIED

**BYLAWS**

Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023 (Second and Third Reading)

Moved by Councillor Ramey, seconded by Councillor Schreiner  
*“THAT Council considers the correspondence from the Medical Health Officer, dated August 14, 2023, in response to Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023;*

*AND THAT Council gives second and third reading to Public Spaces Bylaw No. 1604, 2016 Amendment Bylaw No. 1772, 2023.”*

CARRIED

**REPORTS**

Mayor and Council Reports

Councillor Baird

Reported that Friday Night Lights was a success.

Councillor Davyduke

Spoke with a supervisor from the Vernon Emergency Support Services Reception Centre.

Noted that, if people would like to volunteer for the next activation of an ESS Reception Centre, they can sign up at the City of Vernon website. The SPCA and Salvation Army are also accepting volunteers.

Praised Staff for the emergency planning that has been done for the City of Enderby. Noted that is important to inform the public about Alertable, so that they can receive updates during emergency situations.

Councillor Yerhoff

Reported that Friday Night Lights was great.

Things are going well at the Harvest Hut.

Had a meeting with a representative of the BC Rural Health Network.

Councillor Schreiner

Nothing to report.

Councillor Ramey

Nothing to report.

Mayor Galbraith

Nothing to report.

Chief Administrative Officer

Attended Friday Night Lights, it went over very well once.

Had a meeting with our Drinking Water Officer. Among other things, the proposed Water Treatment Plant expansion and the reservoir renewal were reviewed.

Structural engineering and public health review of the water reservoir replacement project are proceeding. Chief Administrative Officer will meet with the design engineer soon to review some things related to the movement of water between the City's two pressure zones.

In the process of setting up interviews with shortlisted candidates for a Public Works Utility Worker and a Parks Recreation Facility Maintenance Worker.

Installation and calibration of a new effluent flow meter at the Wastewater Plant was recently completed. A very significant discovery was made that our flow rates are considerably lower than what the meters had been reading. Once discovered, the correction provided flow rates that are much more accurate, and resolved some long-standing questions about why the City's Wastewater Plant had atypical settings in order to maintain the right balance for proper treatment. The biggest change that is expected is that the City's wastewater operations are much less likely to enter into permit non-compliance due to flow rates exceeding the daily maximum allowed by permit.

The pool was shut down over part of the weekend due to wildfire smoke and ash. It is re-opened as of today, but may need to close again depending on air quality.

Damage was done by two vehicles to two of the ball diamond outfields at Riverside Park over the weekend. Repairs are being done.

The Garden Club is collaborating with a local resident on a new community engagement project involving Cornerstone Garden, which will involve the installation of a "rock snake" where individual community members can decorate and install a 3" rock segment.

Gave special thanks to one of the City's Parks casual workers, Grant Danbrook, who is also a retired Parks foreman, who really stepped up over the weekend both with challenges at the pool and at the ball diamonds.

Also gave special thanks to the firefighters who deployed along with an apparatus to the West Kelowna wildfire. Several of the same firefighters also deployed to the Osoyoos wildfire a few weeks ago.

### Council Inquiries

Councillor Schreiner asked for an update on Rail Trail construction.

Chief Administrative Officer responded that the contractor is expected to resume construction in the fall.

Councillor Schreiner asked for an update on the new AEDs.

Chief Administrative Officer responded that the new AEDs have been deployed in the community. A public announcement is forthcoming.

Councillor Davyduke asked if there is some sort of workshop offered to learn to use an AED.

Chief Administrative Officer responded that when the AED is opened, it talks to the user and gives instructions for operation. Familiarization opportunities for staff are being prepared.

### June 2023 Financial Report

Moved by Councillor Baird, seconded by Councillor Ramey

*“THAT the June 2023 Financial Report from the Chief Financial Officer be received for information.”*

CARRIED

RDNO Building Permit Report – July 2023

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

CARRIED

Vernon North Okanagan Detachment: 2<sup>nd</sup> Quarter Report (April to June) 2023

Moved by Councillor Baird, seconded by Councillor Ramey  
*“THAT Council receives and files the Vernon North Okanagan Detachment: 2<sup>nd</sup> Quarter Report (April to June) 2023.”*

CARRIED

**NEW BUSINESS**

Disclosure of Contracts – Council

Moved by Councillor Schreiner, seconded by Councillor Baird  
*“THAT Council receives and files the Disclosure of Contracts – Council memorandum dated July 25, 2023.”*

CARRIED

Appointment to the Enderby & District Service Commission

Moved by Councillor Schreiner, seconded by Councillor Ramey  
*“THAT Council rescinds the appointment of Denis Delisle to the Enderby & District Services Commission;*

*AND THAT Council appoints Todd Couch to the Enderby & District Services Commission.”*

CARRIED

Participation in Radon Community Testing

Moved by Councillor Baird, seconded by Councillor Davyduke  
*“THAT Council supports the City of Enderby serving as a partner in the BC Lung Foundation’s RadonAware Community Testing Program:*

*AND THAT Council agrees to the City of Enderby serving as a radon test kit distribution centre for Electoral Area F of the Regional District of North Okanagan”*

CARRIED

2024-2027 Permissive Tax Exemptions

Moved by Councillor Schreiner, seconded by Councillor Baird  
*“THAT Council approves providing the properties listed as Appendix “A” with a permissive tax exemption for the 2024-2027 taxation years.”*

CARRIED



Pay Parking Program for Tuey Park

Councillor Baird asked that this topic be added to the agenda for the next strategic planning session.

Moved by Councillor Schreiner, seconded by Councillor Ramey  
“*THAT Council does not pursue a pay parking program for Tuey Park at this time.*”

CARRIED

**PUBLIC QUESTION PERIOD**

There were no questions from the public.

**CLOSED MEETING RESOLUTION**

Moved by Councillor Baird, 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) of the Community Charter*”

CARRIED

**MATTERS RELEASED FROM IN-CAMERA**

Riverside RV Park – July 31, 2023 Financial Update

Moved by Councillor Baird, seconded by Councillor Yerhoff  
“*THAT Council receives the Riverside RV Park – July 31, 2023 Financial Update for information;*

*AND THAT Council releases this matter from in-camera.*”

CARRIED

**ADJOURNMENT**

Moved by Councillor Baird, seconded by Councillor Davyduke  
“*THAT the regular meeting of August 21, 2023 adjourn at 8:40 p.m.*”

CARRIED

\_\_\_\_\_  
**MAYOR**

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**CORPORATE OFFICER**