

REGULAR MEETING OF COUNCIL AGENDA

DATE: January 15, 2024
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: 899 7667 1419
Passcode: 077549

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

THAT the January 15, 2024 Council Meeting agenda be approved as circulated.

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of December 18, 2023

Page 5

THAT the December 18, 2023 Council Meeting minutes be adopted as circulated.

4. PRESENTATIONS

4.1 New Event Discussion

Presentation by Vallerie Byrne, Events Coordinator

THAT Council directs the Events Coordinator to proceed with implementing the _____ event.

4.2 Fire Department Fleet Adjustment

Page 12

Presentation by Cliff Vetter, Fire Chief, Enderby & District Fire Department

Memo prepared by Chief Administrative Officer dated January 3, 2024

THAT Council authorizes the following adjustment to the Enderby & District Fire Department fleet:

- 1) *Dispose of Tender 16;*

- 2) *Transfer Engine 12 to the third duty line rather than dispose, upon receiving Rescue Engine 18 from the manufacturer; and*
- 3) *Obtain a Command/Utility Vehicle and then dispose of Rescue 17.*

5. DEVELOPMENT MATTERS AND RELATED BYLAWS

5.1 Development Variance Permit #0064-23-DVP-END Page 17

Legal: LOT 9 SECTIONS 26 AND 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 28806
 Address: 110 West Enderby Road, Enderby BC
 Applicant: Ed Hagman – GEM Quality Homes
 Owners: Derek and Denise Bevan

5.1.1 Public Input – Development Variance Permit #0064-23-DVP-END

- 5.1.2 Permit Issuance – Development Variance Permit #0064-23-DVP-END
*THAT Council **NOT** authorize the issuance of a Development Variance Permit for the property legally described as LOT 9 SECTIONS 26 AND 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 28806, and located at 110 West Enderby Road, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:*
- *Section 602.10.b by reducing the minimum front yard setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet), as shown on the attached Schedule 'A'; and*
 - *Section 308.5.a.i by reducing the minimum special building setback from the centreline of West Enderby Road from 15 m (49.21 feet) to 10.3 m (33.79 feet), as shown on the attached Schedule 'A'.*

5.2 Development Variance Permit #0063-23-DVP-END Page 32

Legal: LOT 1 BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A EXCEPT THE SOUTH 8 FEET THEREOF
 Address: 809 George Street, Enderby BC
 Applicant: Drayson Netzelwood
 Owners: Terry Anne Nadine Stebanuk

5.2.1 Public Input – Development Variance Permit #0063-23-DVP-END

- 5.2.2 Permit Issuance – Development Variance Permit #0063-23-DVP-END
THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A EXCEPT THE SOUTH 8 FEET THEREOF, and located at 809 George Street, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:
- *Section 401.11.d.i by not requiring dwelling units to be located entirely above and/or behind a commercial use, as shown on the attached Schedule 'A';*
 - *Section 401.11.d.vi by increasing the maximum percentage of the total floor area of residential dwelling units on the ground floor*

level as compared to the total floor area of the first storey level of the building, from 40% to 41.22%, as shown on the attached Schedule 'A'; and

- *Section 901.2.b by reducing the minimum length of an unobstructed maneuvering aisle for right-angle parking from 8m (26.25 feet) to 4.64 m (15.22 feet),*

subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit.

5.3 Development Variance Permit #0065-23-DVP-END Page 45

Legal: LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)
 DIVISION YALE DISTRICT PLAN 15492
Address: 171 Brickyard Road
Applicants: Kerry Korberg
Owners: Jaeden Korberg

5.3.1 Public Input – Development Variance Permit #0065-23-DVP-END

5.3.2 Permit Issuance – Development Variance Permit #0063-24-DVP-END
THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit a variance to Section 2.0 of Schedule “A” of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Brickyard Road adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works.

6. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

7. BYLAWS

7.1 Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023 Page 74

THAT Council adopts the bylaw cited as Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023.

7.2 City of Enderby Lane Naming Bylaw No. 1784, 2023 Page 76

THAT Council adopts the bylaw cited as City of Enderby Lane Naming Bylaw No. 1784, 2023

8. REPORTS

8.1 Mayor and Council Reports

8.2 Area F Director Report

8.3 Chief Administrative Officer Report

8.3.1 Council Inquiries

8.4 RDNO Building Permit Report – December 2023 Page 78
THAT Council receives and files the RDNO Building Permit Report for December 2023.

9. NEW BUSINESS

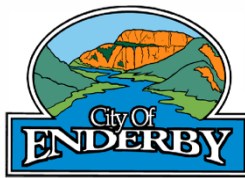
9.1 Events Budget 2024 – Easter Page 79
Memo prepared by Chief Financial Officer dated January 9, 2024
THAT Council authorizes a \$2,000 expenditure for the 2024 Easter celebrations, with \$1,000 to be funded through sponsorships and the remaining \$1,000 to be funded through revenues from the Riverside RV Park.

10. CORRESPONDENCE AND INFORMATION ITEMS

10.1 Audit Planning Report to the Mayor and Council for the Year Ended December 31, 2023
Report from BDO circulated under separate cover
THAT Council receives and files the Audit Planning Report to Mayor and Council for the Year Ended December 31, 2023.

11. PUBLIC QUESTION PERIOD

12. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, December 18, 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 Ramey, seconded by Councillor Yerhoff
“THAT the December 18, 2023 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of December 4, 2023

Councillor Shishido noted a typographic error on page 5 of the minutes of December 4, 2023.

Moved by Councillor Shishido, seconded by Councillor Yerhoff
“THAT the December 4, 2023 Council Meeting minutes be adopted as amended.”

CARRIED

BYLAWS

City of Enderby Lane Naming Bylaw No. 1784, 2023

Moved by Councillor Schreiner, seconded by Councillor Baird
“THAT Council gives three readings to the City of Enderby Lane Naming Bylaw No. 1784, 2023.”

CARRIED

REPORTS

Mayor and Council Reports

Councillor Yerhoff

Attended the Legion Meat Draw and reported that it was well attended.

Attended a FACT Meeting.

Councillor Schreiner

Delivered some Christmas cards to businesses in the community.

Attended an Enderby & District Services Commission meeting.

Has been discussing with members of the community a potential beautification committee for the City and will be bringing more information to Council in the new year.

Councillor Ramey

Attended the Meat Draw at the Legion.

Attended an Enderby & District Services Commission meeting.

Councillor Baird

Christmas events are wrapping up. Reported that the Legion won the Best Decorated Business contest by receiving the largest number of food bank donations and donated their prize to the Food Bank.

Had a meeting with other appointed members to the judging panel and the Planner regarding the planned street banner renewal for 2024. Information about the project will be publicly announced before Christmas and submissions will be accepted in the new year.

The Legion had a record setting 50/50 at their Meat Draw event.

Councillor Shishido

Attended the Legion Meat Draw.

Attended a meeting with representatives from Sproing, Councillor Baird, and the Planner regarding the community marketing video.

Reported that the Enderby & District Services Commission meeting went well. Reported that Riverside Park was given to the ball user groups in hopes that the U17 Provincial Championship will be held there the weekend following July 1st.

Mayor Galbraith

Volunteered at Santa's Workshop.

Attended the Seniors Christmas Lunch.

Handed out Christmas Cards to businesses.

Chief Administrative Officer

Reported that City Hall will close at the end of the day on Friday, December 22nd, and reopen on Tuesday, January 2nd at 8:30am. During this time, Public Works and Parks will still be working. Cemetery requests and emergency dog control issues will still be addressed. Voicemails are transcribed and emailed out, so there will be monitoring for emergent issues. Noted that garbage collection will occur on Boxing Day, but recycling collection has been postponed from Christmas Day to Saturday, December 30th.

Reported that he has been working with the Fire Chief on some proposed changes to the fire apparatus fleet, which will add some new capabilities while relatively reducing overall fleet costs. A high-level evaluation has been completed through an independent expert at Mitchell and Associates. A preliminary discussion will be happening with the Shuswap River Fire Protection District prior to bringing the matter forward at the next Council meeting.

As previously reported, an investigation is ongoing of the brine leak at the arena on the skating rink side. Brine loss has fluctuated dramatically, both up and down, over the last several weeks. Steps have been taken to stockpile and directly add calcium chloride to maintain the freezing temperature of the solution, and staff are shutting down the system overnight, which should reduce any potential loss by roughly half. A variable frequency drive is also being sourced for our brine pump to reduce our energy consumption and further stem the brine loss. The existing header is at end of life and particulate matter is being filtered out of the solution at a high rate, indicating that replacement will be required next year. When the header is replaced, it will also be set back further in its trench, so that the brine lines can be pressure tested in the future.

A proposed new agreement for building inspection from RDNO has been received. It is coming quite late in the year and contains some changes, so the Chief Administrative Officer has requested a short-term extension of the existing agreement to provide some time to review the impacts and discuss with other communities who contract on the same basis.

Thanked the fire department for aiding Mr. and Mrs. Claus in their tour of the community last night.

Councillor Davyduke

Attended an Enderby & District Community Resource Centre board meeting.

Attended an inter-agency meeting and reported that the volunteer drivers program is exploring different funding options as they have a large volume of requests and drivers are beginning to feel burned out.

Reported that the food bank has received many donations this holiday season.

Reported that there will be a winter youth sports program going ahead this winter.

Attended the meeting regarding the community banner renewal planned for next year.

Attended the Legion Meat Draw.

Council Inquiries

Councillor Schreiner asked if the snow removal on the Rail Trail will continue through the winter.

Chief Administrative Officer responded that the snow removal is not done by the Rail Trail owners but by some community 'snow angels'.

Councillor Ramey noted that a member of the community raised concerns about the Rail Trail crossing at the Belvedere/Evergreen/Howard intersection. Explained that the concern was about the lowered grade of the crossing and concerns about the grade change where it dips makes it difficult to access.

Chief Administrative Officer responded that the grade is relatively flat through the intersection, and there is not an elevation change when walking along the Rail-Trail.

Councillor Shishido noted that at the previous Enderby & District Services Commission meeting, the Commission decided not to move forward with lighting ball diamonds one and two, or providing a letter of support for the project, because of the cost. Further discussions on lighting or the use of the space previously intended for ball diamond 5 have been postponed until the Area F Master Parks Plan is completed early in 2024.

Mayor Galbraith asked if there has been a letter sent to UBCM regarding the lack of consultation with municipalities in relation to forthcoming zoning and OCP changes.

Chief Administrative Officer responded that he has requested the letter that will be sent by the Regional District of North Okanagan but it was not yet drafted as of when he made the request. There will be ongoing discussions with RDNO around collaboration and harmonization.

RDNO Building Permit Report – November 2023

Moved by Councillor Baird, seconded by Councillor Yerhoff

"THAT Council receives and files the RDNO Building Permit Report – November 2023."

CARRIED

NEW BUSINESS

Christmas Carolling – Road Closure Application

Moved by Councillor Shishido, seconded by Councillor Yerhoff

“THAT Council approves the City of Enderby Event Coordinator’s Road Closure application which proposes to close Cliff Avenue from George Street to Vernon Street, and Belvedere Street from Cliff Avenue to Speers Lane, on Tuesday December 19, 2023 from 1:00 – 2:00 pm for the purposes of a Christmas carolling event;

AND THAT Council exempts the application from the requirement to petition affected businesses as part of the proposed road closure, subject to the applicant providing advance notice of the road closure to businesses adjacent to the road closure area.”

CARRIED

Council Strategic Plan Scorecard 2023

Moved by Councillor Shishido, seconded by Councillor Yerhoff

“THAT Council receives and files the memorandum, “Council Strategic Plan Scorecard 2023”. ”

CARRIED

Local Government Infrastructure Planning Grant Program – Grant Application to Review and Update Asset Management Inventory

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT Council directs Staff to submit a grant application to the Provincial Infrastructure Planning Grant Program to review and update the City of Enderby’s asset management inventory;

AND THAT should the grant application to the Provincial Infrastructure Planning Grant Program be successful, Council authorizes a local contribution of \$10,000 to be funded through taxation and user fees.”

CARRIED

Appointments to the Okanagan Regional Library Board for 2024

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT Council appoints Councillor David Ramey as Library Trustee and Mayor Huck Galbraith as Alternate Trustee to serve on the Okanagan Regional Library Board in 2024.”

CARRIED

CORRESPONDENCE AND INFORMATION ITEMS

Advocacy – Red Light Cameras and Speed Cameras

Moved by Councillor Yerhoff, seconded by Councillor Shishido

“THAT Council receives and files the City of Victoria memo and correspondence from Marianne Alto, Mayor of Victoria to Honourable Mike Farnworth, Minister of Public Safety and Solicitor General dated November 1, 2023”

CARRIED

Draft Pest Management Plan for Provincial Public (Crown) Lands in Southern and Coastal British Columbia

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT Council receives and files the correspondence from Art Guite, Art Guite Consulting, Agent for BC Ministry of Forests dated November 29, 2023”

CARRIED

Call for Resolutions for 2024 SILGA Convention

Council discussed that there will be strategic planning for 2024 happening early in the year, and that it would be best to consider this topic after that has concluded.

Moved by Councillor Baird, seconded by Councillor Yerhoff

“THAT discussion on possible resolutions for the 2024 SILGA Convention be postponed until the meeting of February 20, 2023.”

CARRIED

Concerns Regarding Vehicle Activity on Salmon Arm Drive

Council discussed the concerns about speed and crosswalk safety.

Councillor Schreiner asked if the speed board could be placed in this area.

Chief Administrative Officer responded that there has already been a request for this and that there are plans to place the speed board at this location in the spring.

Moved by Councillor Shishido, seconded by Councillor Baird

“THAT Council directs staff to send a letter to the Royal Canadian Mounted Police requesting an increased police presence on Salmon Arm Drive near M.V. Beattie to monitor for speed and traffic violations and report back to Council with their findings;

AND THAT the speed reader board be placed on Salmon Arm Drive near the M.V. Beattie crosswalk in the spring;

AND FURTHER THAT letters be sent to M.V. Beattie and A.L. Fortune encouraging increased education on the use of crosswalks, specifically pedestrian controlled crosswalks”

CARRIED

PUBLIC QUESTION PERIOD

Jackie Pearase, Rivertalk noted that it has been announced that Enderby Minor Fastball will be hosting the U17 Provincial Championships at Riverside Park on the weekend following July 1st, 2024.

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) (c) and 90 (2) (b) of the Community Charter”

CARRIED

MATTERS RELEASED FROM IN-CAMERA

Splatsin Municipal Type Service Agreements 2024 Extension

Moved by Councillor Schreiner, seconded by Councillor Shishido

“THAT Council authorizes a one-year extension of the Municipal Type Service Agreements for water, sanitary sewer, and fire protection with Splatsin through December 31, 2024;

AND THAT this matter be released from in camera.”

CARRIED

ADJOURNMENT

Moved by Councillor Baird, seconded by Councillor Ramey

“THAT the regular meeting of December 18, 2023 adjourn at 5:52 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: January 3, 2024
Subject: Fire Department Fleet Adjustment

RECOMMENDATION

THAT Council authorizes the following adjustment to the Enderby & District Fire Department fleet:

- 1) Dispose of Tender 16;
- 2) Transfer Engine 12 to the third duty line rather than dispose, upon receiving Rescue Engine 18 from the manufacturer; and
- 3) Obtain a Command/Utility Vehicle and then dispose of Rescue 17.

BACKGROUND

Fire Department Operational Scope

The Enderby & District Fire Department ("the Fire Department") serves the City of Enderby and the Shuswap River Fire Protection District; the latter is an improvement district consisting of a portion of Area F of the Regional District of North Okanagan ("RDNO") although, as an improvement district, it is governed separately from RDNO.

The Fire Department has a fire suppression contract with Splatkin for Reserve #2 and provides road rescue services in a larger portion of Area F that extends to Mabel Lake, Mara Lake, and part of Trinity Valley Road. It has mutual aid agreements with the Columbia Shuswap Regional District and RDNO. Subject to availability and a request from the Office of the Fire Commissioner, the Fire Department may provide resources to protect structures in other communities threatened by wildfire.

Current Fleet Capabilities: Summary and Insurance Grading Considerations

The Fire Department has a fleet consisting of two engines, two water tenders, one water tender/engine, and a road rescue apparatus. Firefighting apparatus are placed in one of three duty lines according to the normal response sequence, with the first two duty lines expected to

respond to the first alarm of a fire, and the third duty line providing support during major fire events or replacing an out-of-service first line apparatus.

Apparatus that are used for fire suppression may be credited by the Fire Underwriters Survey ("FUS") towards achieving a higher level of protection which, in turn, helps to lower fire insurance premiums for property owners. FUS provides credit for the first two lines used for fire suppression; it provides no credit for the third line of apparatus or vehicles that serve other purposes, such as road rescue.

Apparatus must meet certain specifications in order to be accepted by FUS, including testing and certification by an accredited organization, meeting national firefighting standards for apparatus, being under a certain age (twenty-five years, although small communities may apply to extend the creditable lifespan to thirty years provided the condition and reliability of the apparatus can be demonstrated), and regular maintenance and testing to ensure reliability.

The Fire Department's existing fleet is summarized in the below table:

Unit #	Type	Year Constructed	Years in Service	Pump (IGPM)	Tank (Gallons)	Road Rescue	Current Line
10	Engine	2008	16	1,250	1,000	Yes (Limited)	1
12	Engine	1992	32	1,050	800	No	2
14	Tender Engine	2014	10	840	1,650	No	1
15	Tender	2007	17	420	1,700	No	2
16	Tender	1986	38	150	2,000	No	3
17	Rescue	1998	26	0	0	Yes	0

Current Fleet Capabilities: Committed Changes and Emerging Challenges

In 2022, the Fire Department purchased the replacement for Engine 12, which was approaching the end of its (extended) life. Due to supply chain issues, the replacement apparatus is expected in Spring 2024. A fleet assessment by an independent third party, Mitchell and Associates, informed the capabilities of the forthcoming replacement, which possesses road rescue and engine capabilities. At the time, Engine 12 was contemplated to be either disposed or moved to the third duty line, depending on a broader review of the fleet and the future needs of the Fire Department.

In 2022, two problems were discovered with Tender 16. First, rust-jacking of the frame prompted a failure of its commercial vehicle inspection. Second, the subsequent investigation of that problem in order to evaluate for the viability of a repair revealed that the water tank was originally, improperly, bolted to the frame, weakening its structural integrity. The latter precludes the apparatus from passing a commercial vehicle inspection; as a result, it cannot be used on a public road.

Proposed Fleet Adjustment

In 2023, a fleet review was undertaken so that actions taken with respect to Tender 16 would be consistent with current and future needs and, ideally, address gaps by adjusting the fleet's capabilities. The review considered changes in the capabilities of other apparatus in the fleet, which will diversify significantly with the acquisition of Rescue Engine 18 in 2024.

Given the loss of Tender 16 from the third duty line, rather than dispose of Engine 12 upon the arrival of Rescue Engine 18, the recommendation is to retain Engine 12 and move it to the third duty line. Engine 12 will obtain marginal resale value given it is beyond a creditable age, yet it remains a well-maintained, reliable, and functional apparatus that can continue to serve on the third duty line, which does not receive FUS credit.

The fleet review evaluated for the ongoing usefulness of Rescue 17, particularly in light of the existing fleet's difficulties in responding to hillside areas during the winter, when road and particularly driveway access can prove challenging for large vehicles. These challenges increase the risk to firefighters and apparatus while slowing incident response times.

The recommendation is that Rescue 17 should be disposed and replaced with a Command/Utility Vehicle. The proposed Command/Utility Vehicle possesses the following benefits to the fleet:

- The ability to access steeper grades in a manner that enables firefighters and equipment to be transported more safely and efficiently, with a staging area established at a lower elevation when necessary and possible.
- The ability to proceed ahead of firefighting apparatus to enable an earlier incident scene assessment by the incident commander.
- The ability to more efficiently and effectively deploy structure protection units ("SPU") in wildfire interface areas, which often involve steeper grades and road standards that are challenging for larger vehicles. A SPU is a trailer equipped with firefighting gear and water delivery equipment that can be strategically placed in interface areas threatened by wildfire; in addition to the Province's fleet of structure protection units, grants are available for local governments to build up funds to acquire their own units, subject to meeting certain preconditions.

Rescue 17 carries road rescue equipment (jaws of life, vehicle stabilizing bars, low angle rescue ropes and basket), wildfire equipment, traffic control equipment, and some firefighting crossover equipment such as a positive pressure fan.

Rescue 17 had historically served as the rehabilitation unit for firefighters during an incident (e.g. cooling, hydration), but this function has been transferred to newer apparatus which are better suited to the task.

With respect to Rescue 17's capabilities, under the fleet adjustment proposal, they would be redeployed as follows:

- Road rescue equipment will be carried in the forthcoming Rescue Engine 18;
- Traffic control will be in both Rescue Engine 18 and the Command/Utility Vehicle; and
- Crossover firefighting equipment will be carried on either of the Command/Utility Vehicle or a firefighting apparatus, based on effectiveness and efficiency.

In addition to providing response flexibility, the Command/Utility Vehicle will be more cost-effective to replace. The Fire Department's equipment replacement schedule listed the value of Rescue 17 as \$211,000, although this number is likely significantly lower than the actual cost of purchasing a new unit given inflation, labour, and supply chain challenges were acutely felt in the sector. By contrast, a Command/Utility Vehicle is expected to cost \$120,000, based on up-to-date estimates. The City has sufficient fleet reserves in place to fund its portion of the proposed Command/Utility Vehicle.

Summary of Fleet Adjustment

Staff are recommending the following actions, towards adjusting the Fire Department's fleet to meet current and future needs:

- 1) Dispose of Tender 16;
- 2) Transfer Engine 12 to the third duty line rather than dispose, upon receiving Rescue Engine 18 from the manufacturer; and
- 3) Obtain a Command/Utility Vehicle and then dispose of Rescue 17.

The adjusted fleet may be summarized as follows:

Action	Unit #	Type	Year Constructed	Years in Service	Pump (IGPM)	Tank (Gallons)	Road Rescue	Current Line	Adjusted Line
Keep	10	Engine	2008	16	1,250	1,000	Yes (Limited)	1	2
Keep	12	Engine	1992	32	1,050	800	No	2	3
Keep	14	Tender Engine	2014	10	840	1,650	No	1	1
Keep	15	Tender	2007	17	420	1,700	No	2	2
Dispose	16	Tender	1986	38	150	2,000	No	3	-
Dispose	17	Rescue	1998	26	0	0	Yes	0	-
Forthcoming	18	Rescue Engine	2024	0	1,500	500	Yes	-	1
Proposed	19	Command /Utility Vehicle	-	-	0	0	Yes (Limited)	-	0

The adjusted fleet maintains the Fire Department's capabilities and addresses emerging challenges and identified needs, enhances response times and flexibility, lowers the fleet value

for which replacement costs need to be funded, and does not impact FUS grading. The adjusted fleet proposal was also reviewed with Mitchell and Associates.

Should Council authorize the fleet adjustment, disposal would follow the City's Surplus Asset Disposal Policy, which is attached to this memorandum.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No.: 0064-23-DVP-END

December 22, 2023

APPLICANT: Ed Hagman - GEM Quality Homes

OWNER: Derek and Denise Bevan

LEGAL DESCRIPTION: LOT 9 SECTIONS 26 AND 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 28806

P.I.D #: 004-486-366

CIVIC ADDRESS: 110 West Enderby Road, Enderby BC

PROPERTY SIZE: 606.6 m² (0.15 acres)

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

O.C.P DESIGNATION: Residential Low Density

PROPOSED VARIANCES: Reduce the minimum front yard setback for a single-family dwelling;
reduce the minimum special building line setback from the centreline of West Enderby Road

RECOMMENDATION:

THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 9 SECTIONS 26 AND 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 28806, and located at 110 West Enderby Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 602.10.b by reducing the minimum front yard setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet), as shown on the attached Schedule 'A'; and
- Section 308.5.a.i by reducing the minimum special building line setback from the centreline of West Enderby Road from 15 m (49.21 feet) to 10.3 m (33.79 feet), as show on the attached Schedule 'A'.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 110 West Enderby Road, Enderby BC. The applicant is proposing to construct an attached carport, as shown on

the attached Schedule 'A', and in order to accommodate the proposed siting of the structure is requesting variances to the City of Enderby Zoning Bylaw No. 1550, 2014 in order to, i) reduce the minimum front yard setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet), and ii) reduce the minimum special building line setback from the centreline of West Enderby Road from 15 m (49.21 feet) to 10.3 m (33.79 feet).

Site Context

The 606.6 m² (0.15 acre) subject property is located on the southeast corner of the intersection of West Enderby Road and Northern Avenue, with access to the property being gained via a paved driveway off West Enderby Road and a secondary paved driveway off Northern Avenue. The subject property is relatively flat with a single-family dwelling located in the center of the lot, facing towards West Enderby Road, and a small shed located in the southeast corner of the lot.

The subject property and properties to the north, east, south and west are all zoned Residential Single Family (R. 1-A) and are designated as Residential Low Density in the Official Community Plan (OCP).

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

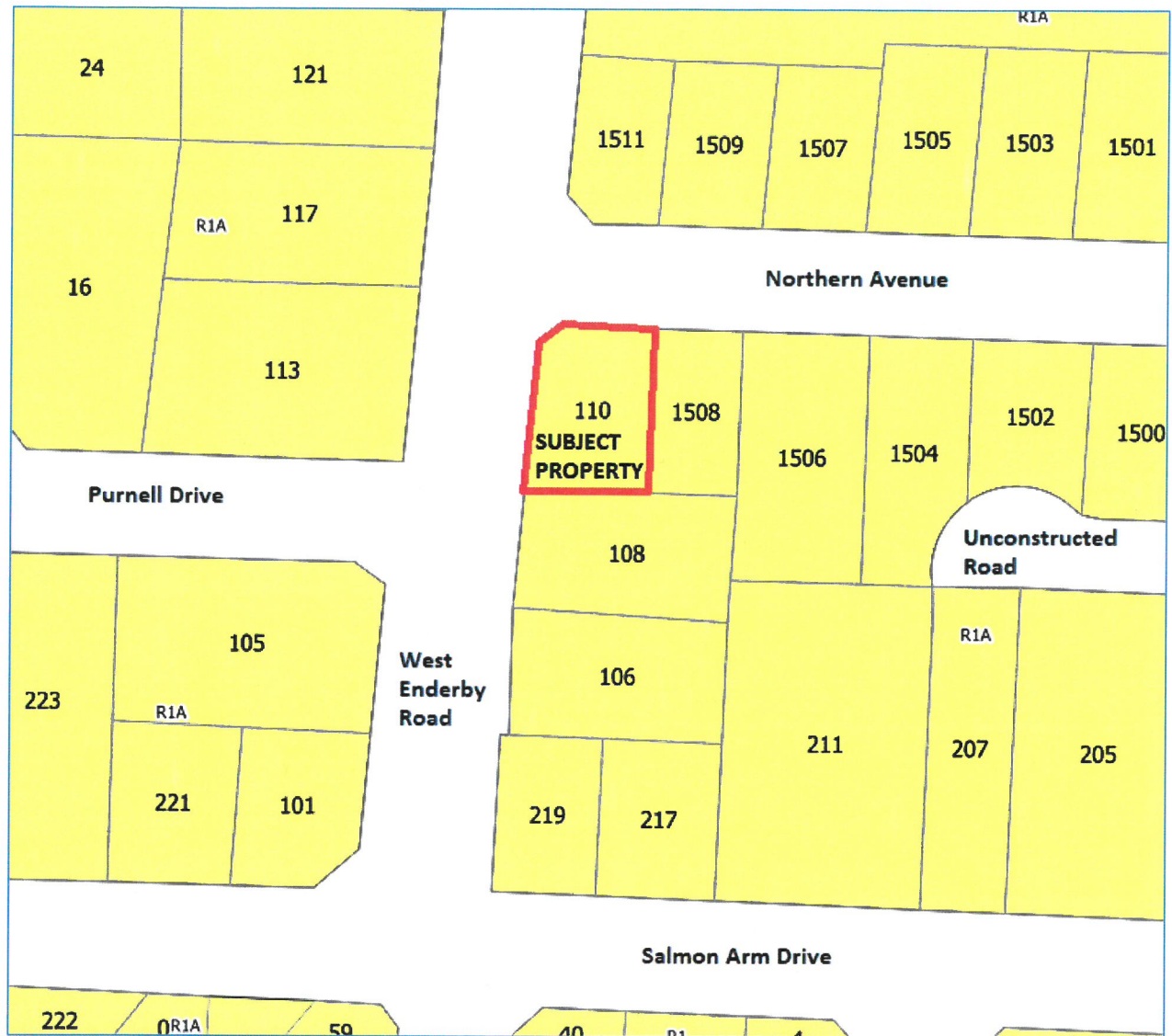


Figure 1: Zoning Map
 Yellow - Residential Single Family (R.1-A)

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



Figure 2: Orthophoto

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

ZONING BYLAW:

The subject 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, and the keeping of backyard hens and bees.

The proposal as compared to the Zoning Bylaw requirements for the R.1-A zone is as follows (highlighted items require a variance):

CRITERIA	R.1-A ZONE REQUIREMENTS	PROPOSAL
Lot Coverage (max.)	50%	< 50%
Setbacks (min.)		
Front Yard	6 m (19.68 feet)	0.15 m (0.49 feet)
Rear Yard	6 m (19.68 feet)	> 6 m (19.68 feet)
Side Yard	1.2 m (3.94 feet)	4.44 m (14.57 feet)
Exterior Side Yard	5 m (16.40 feet)	> 5 m (16.40 feet)
Other Buildings	3 m (9.84 feet)	> 3 m (9.84 feet)
Special Building Line	15 m (49.21 feet) from Centreline of West Enderby Road	10.3 m (33.79 feet) from Centreline of West Enderby Road

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.
- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

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

The City's Public Works Manager provided the following comments:

This proposal places an addition very close to the edge of the road dedication. Please note the following in your evaluation:

1. *This is a very aggressive front yard setback that will have future, if not current, sightline impacts.*
2. *This is designated as a major collector road associated with future growth. The road width and alignment today will change in the future, likely bringing the road closer to the property line. When this realignment occurs, the overhead/shallow utilities will likely be offset even closer to the property line.*
3. *Between the overhead lines on West Enderby and the front property line is a storm sewer main, which continues the conveyance of the ditch drainage from the south. The front of the proposed addition will be situated very close to the likely excavation area for any repair or replacement of the main. It is important to keep a front yard setback clear of permanent*

structures to help ensure that necessary infrastructure works do not undermine buildings and excavation can safely occur.

PLANNING ANALYSIS:

The City of Enderby Planner has concerns with the applicant's request to vary Section 602.10.b of the Zoning Bylaw by reducing the minimum front yard setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet), and Section 308.5.a.i by reducing the minimum special building line setback from the centreline of West Enderby Road from 15 m (49.21 feet) to 10.3 m (33.79 feet), as show on the attached Schedule 'A'; these concerns are summarized as follows:

- The proposed siting of the structure would significantly impact sight lines for vehicles on Northern Avenue looking to gain access on to West Enderby Road (i.e. limit the ability to see northbound traffic on West Enderby Road), which creates a safety hazard; it is recognized that the proposed structure would not be enclosed, but notwithstanding this, the four posts associated with the structure are relatively large (8" x 8") and would still act as a visual barrier; these sight line concerns would be further exacerbated in the future, should a future reconstruction of West Enderby Road result in the travelled lanes being shifted further to the east;
- Should a future reconstruction of West Enderby Road result in the travelled lanes being shifted further to the east, the proposed siting of the structure would significantly impact sight lines for vehicles from the adjacent property to the south looking to access West Enderby Road (i.e. limit the ability to see southbound traffic on West Enderby Road), which creates a safety hazard;
- As discussed by the City's Public Works Manager, maintaining an appropriate front yard setback is important to ensuring that, i) buildings are adequately offset from overhead/shallow utilities, ii) adjacent infrastructure works and services do not undermine buildings, and iii) municipal excavation works adjacent to the property can occur safely; given the lack of an appropriate front yard setback, the proposed siting of the structure would be contrary to these considerations and could potentially limit the City's flexibility in the future with respect to maintaining or installing works and services adjacent to the property; and
- The proposed variance to reduce the minimum front yard setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet) represents a 97.5% reduction to the setback area, which is very significant; permitting single-family dwellings to be this close to the front property line is not consistent with the built standard throughout the community and would negatively detract from the character of the neighbourhood.

For the reasons outlined above, it is recommended that Council not support the variance requests.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 110 West Enderby Road. The applicant is proposing to construct an attached carport, as shown on the attached Schedule 'A', and in order to accommodate the proposed siting of the structure is requesting variances to the City of Enderby Zoning Bylaw No. 1550, 2014 in order to, i) reduce the minimum front yard

setback for a single-family dwelling from 6 m (19.68 feet) to 0.15 m (0.49 feet), and ii) reduce the minimum special building line setback from the centreline of West Enderby Road from 15 m (49.21 feet) to 10.3 m (33.79 feet).

The City of Enderby Planner is recommending that Council not support the variance requests.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



Tate Bengtson
Chief Administrative Officer

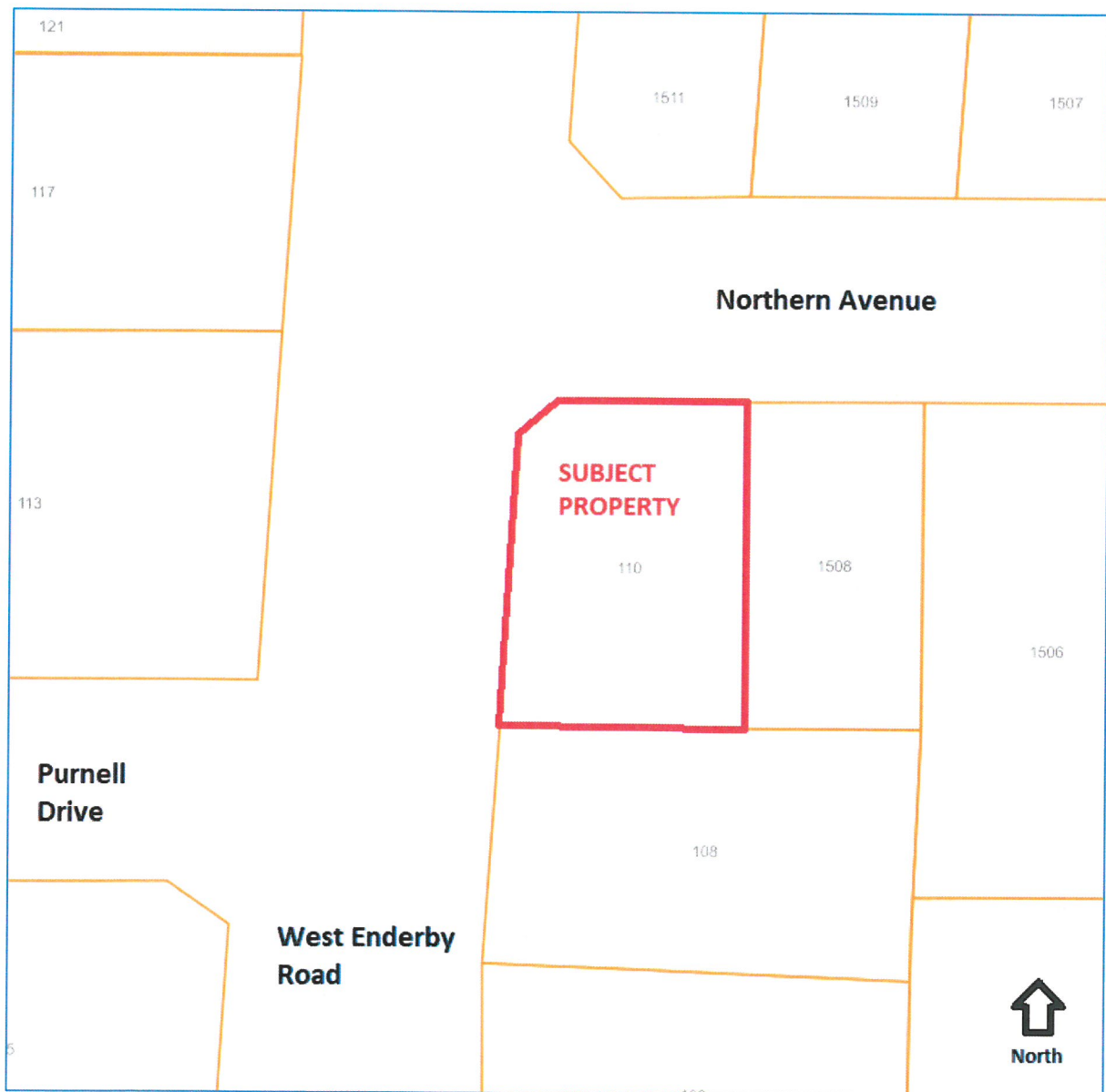
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0064-23-DVP-END (GEM Quality Homes)

Applicant: Ed Hagman - GEM Quality Homes

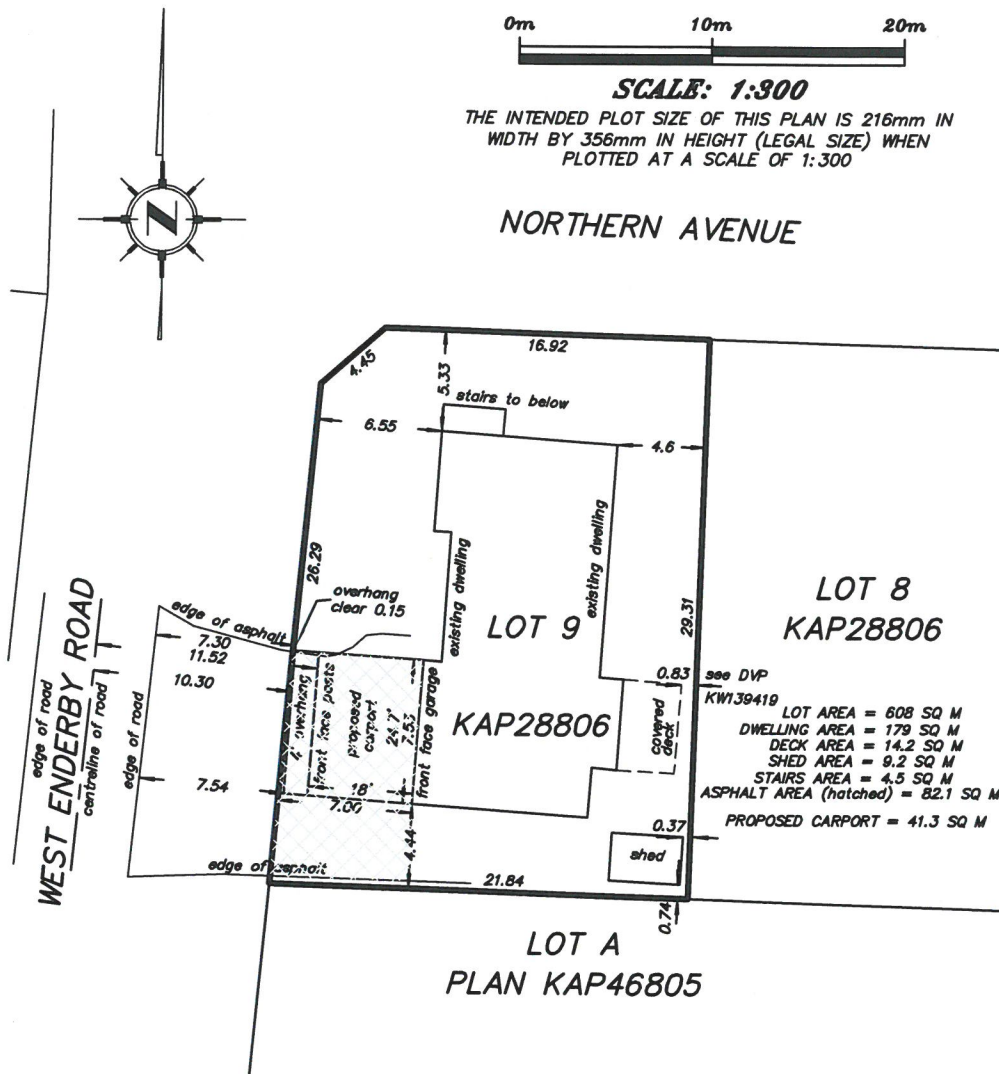
Owner: Derek and Denise Bevan

Location: 110 West Enderby Road, Enderby BC



Schedule 'A'

**SKETCH PLAN OF LOT 9 SECTIONS 26 AND 27
TOWNSHIP 18 RANGE 9 W6M KAMLOOPS DIVISION YALE
DISTRICT PLAN 28806
- FOR VARIANCE APPLICATION PURPOSES**



NOTES:

ALL DISTANCES ARE IN METERS.
CIVIC ADDRESS: 110 WEST ENDERBY ROAD, ENDERBY, BC

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF GEM QUALITY HOMES.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

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FILE: 8227
DRAWING: 8227 VARIANCE SK .DWG

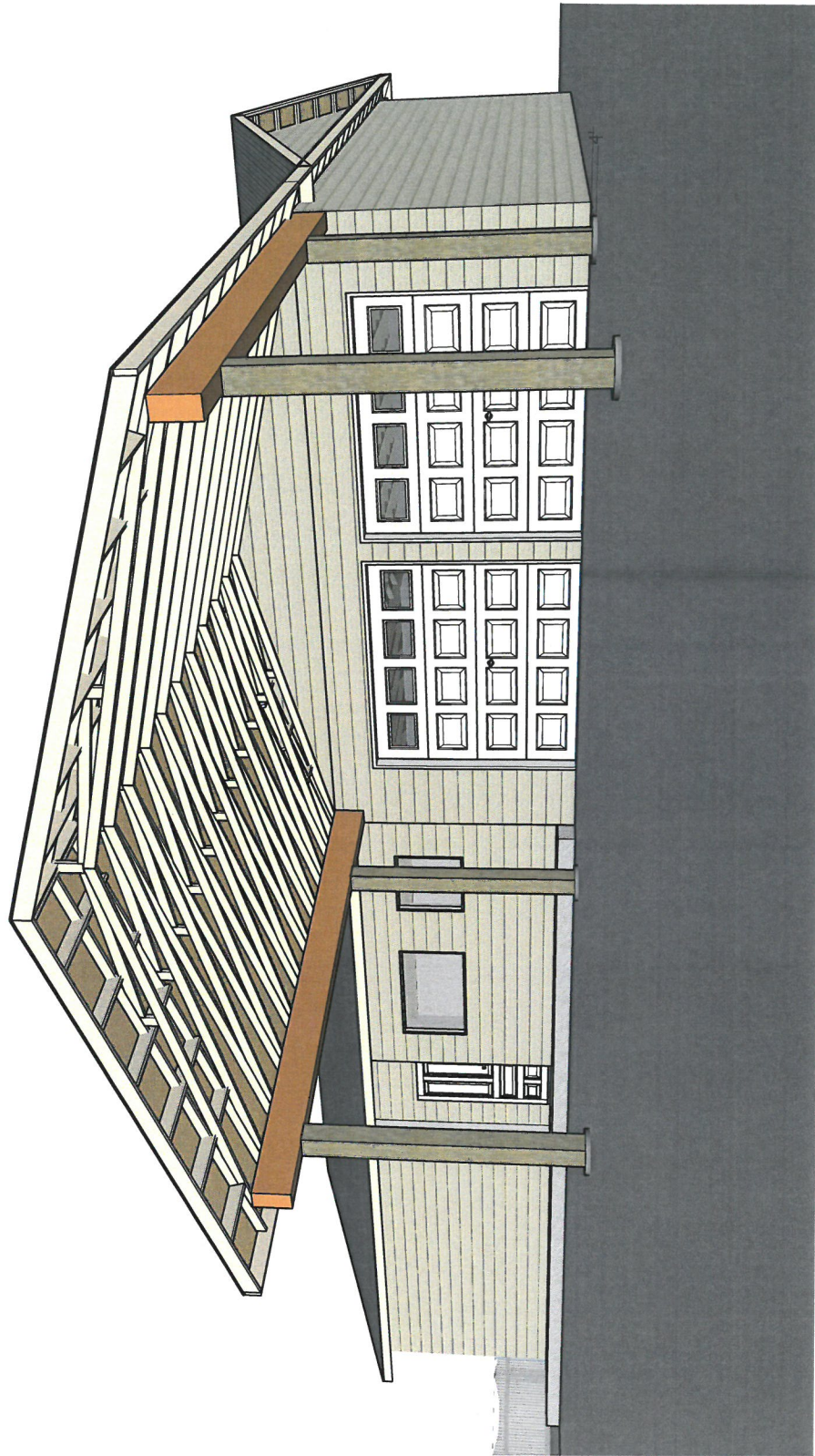


3710A 28th. Street Vernon, B.C. V1T 9X2 Tel. (250) 545 5990

Fax (250) 545 5912

DATE OF FIELD SURVEY: OCTOBER 25, 2023

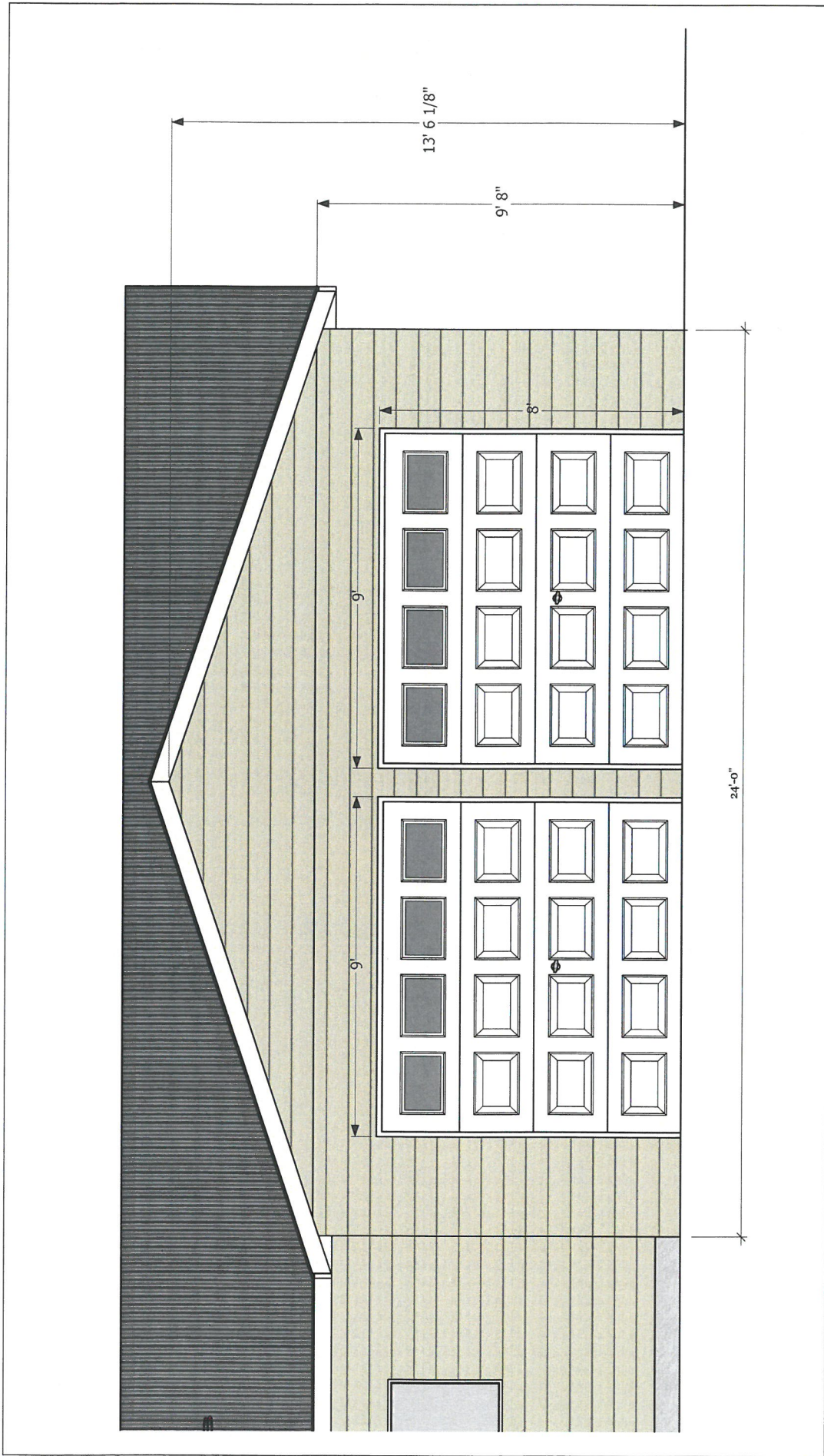
ROBERT TUPPER B.C.L.S.



Bevan - Carport Addition
110 - Enderby West Rd. - Enderby BC



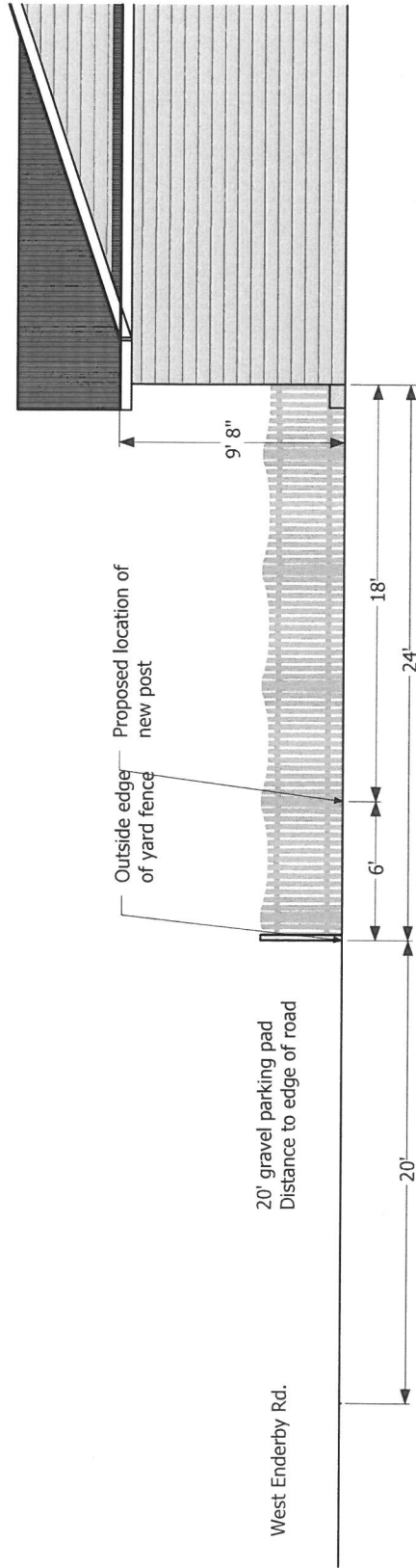
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OK VALLEY
BARN BUILDERS
Bevan Carport Addition

Front Elevation



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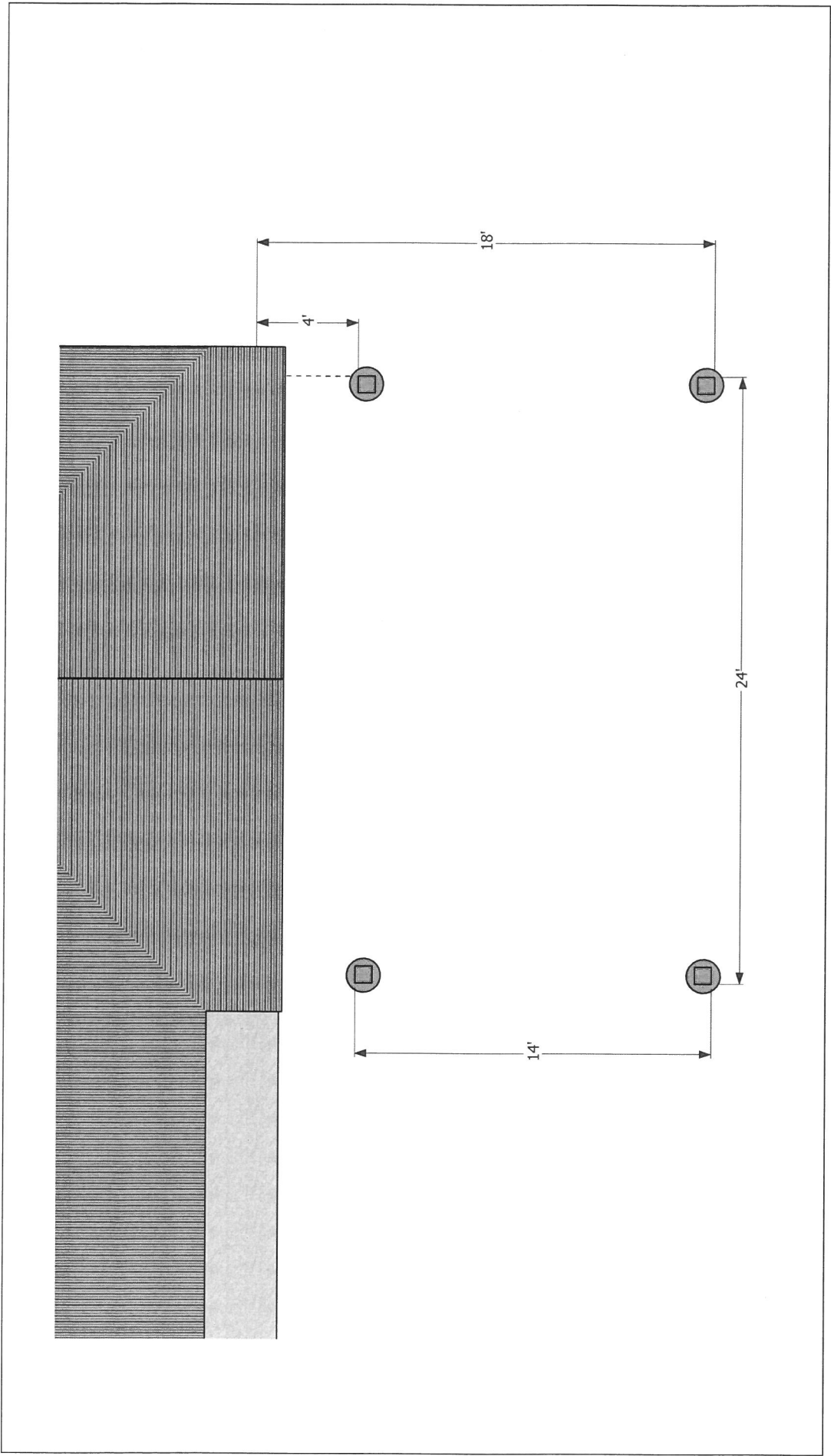
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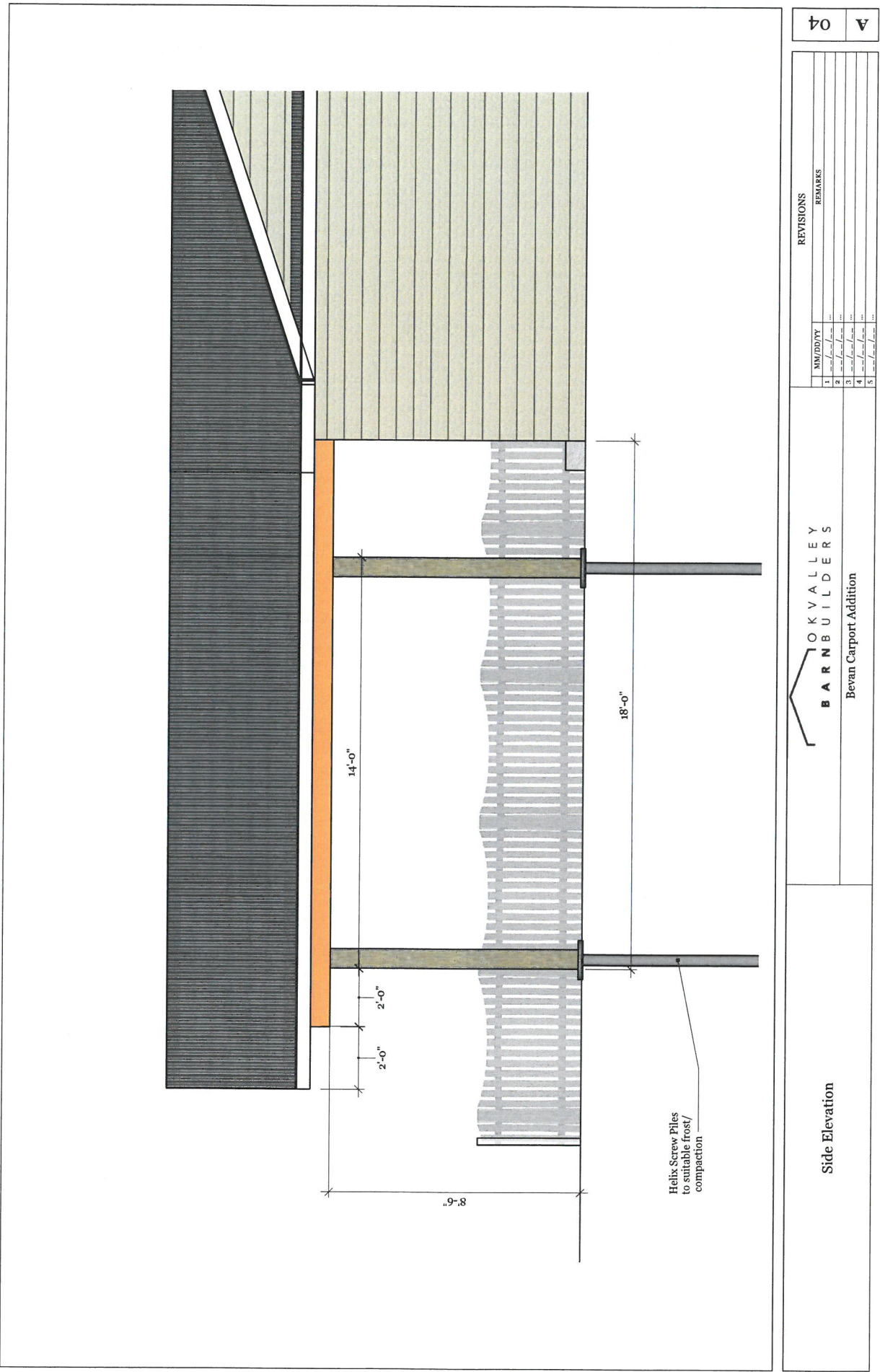
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OKV ALLEY

BARN BUILDERS

Bevan Carport Addition

Screw Pile/ Post Layout

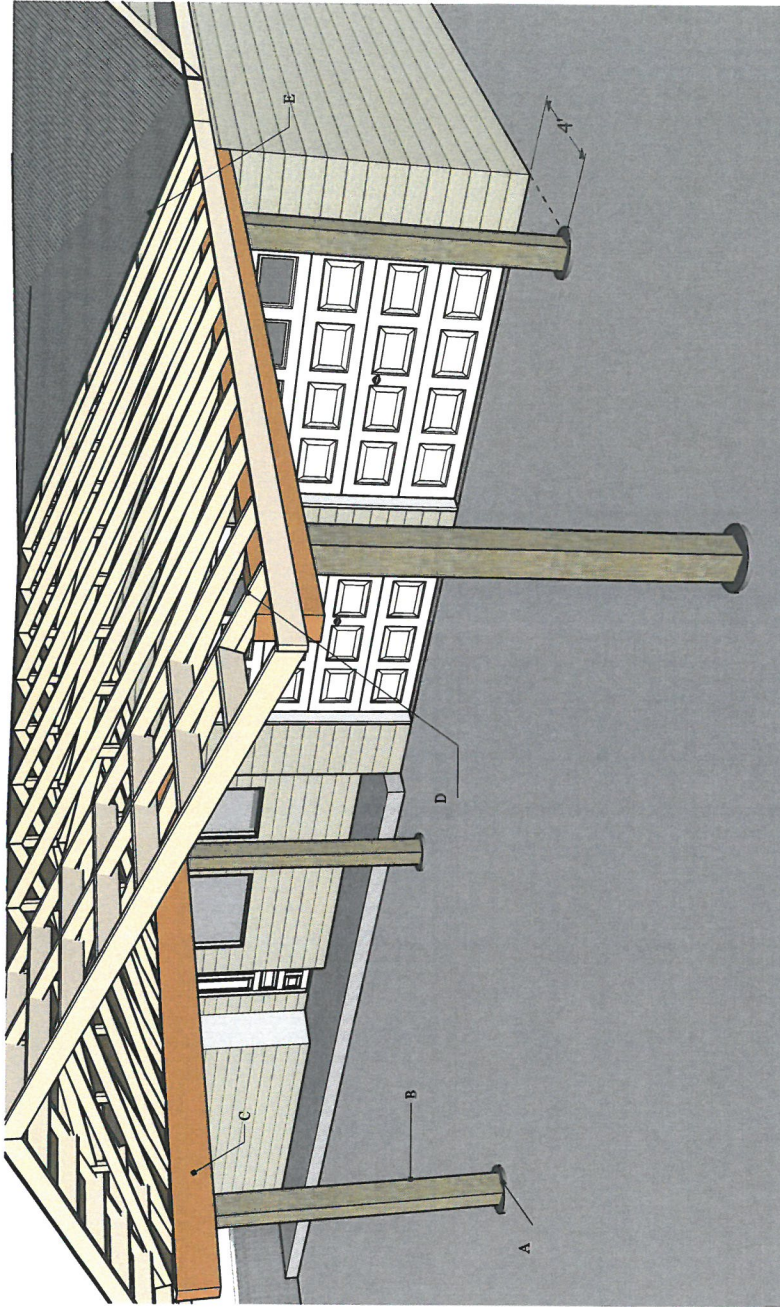


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OK VALLEY
BARN BUILDERS
Bevan Carport Addition

Side Elevation



A	Helix Screw Pile - Set to frost protected depth and torqued to engineered specs. Line Location required, hand dig where necessary to locate services
B	8x8 Treated post - See engineered anchorage detail to pile - c/w Simpson strong tie post to beam connectors
C	20' 4 ply 14" lvl post - Follow engineered drawings
D	Engineered scissor truss roof - 2' o/c - c/w 24" o/h - c/w Simpson truss to beam connector each side
E	3/4" strapping, metal roofing to match - tie into roof line - extend roof strapping under existing metal roofing and into existing truss system
F	
G	

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Bevan Carport Addition

Perspective / Details

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No.: 0063-23-DVP-END

January 5, 2024

APPLICANT: Drayson Netzelwood

OWNER: Terry Ann Nadine Stebanuk

LEGAL DESCRIPTION: LOT 1 BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A EXCEPT THE SOUTH 8 FEET THEREOF

P.I.D #: 003-841-626

CIVIC ADDRESS: 809 George Street, Enderby BC

PROPERTY SIZE: 624.3 m² (0.15 acres)

ZONING: General Commercial (C.1)

O.C.P DESIGNATION: General Commercial

PROPOSED VARIANCES: i) Not require dwelling units to be located *entirely* above and/or behind a commercial use, ii) increase the maximum ratio of residential to commercial floorspace on the ground floor level, and iii) reduce the minimum length of an unobstructed maneuvering aisle for right-angle parking

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 BLOCK 13 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 211A EXCEPT THE SOUTH 8 FEET THEREOF, and located at 809 George Street, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 401.11.d.i by not requiring dwelling units to be located *entirely* above and/or behind a commercial use, as shown on the attached Schedule 'A';
- Section 401.11.d.vi by increasing the maximum percentage of the total floor area of residential dwelling units on the ground floor level as compared to the total floor area of the first storey level of the building, from 40% to 41.22%, as shown on the attached Schedule 'A'; and

- Section 901.2.b by reducing the minimum length of an unobstructed maneuvering aisle for right-angle parking from 8 m (26.25 feet) to 4.64 m (15.22 feet), as shown on the attached Schedule 'A',

subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 809 George Street, Enderby BC. The applicant is requesting to vary the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014 as part of proposed construction at 809 George Street, Enderby BC, as shown on the attached Schedule 'A':

- Section 401.11.d.i by not requiring dwelling units to be located entirely above and/or behind a commercial use;
- Section 401.11.d.vi by increasing the maximum percentage of the total floor area of residential dwelling units on the ground floor level as compared to the total floor area of the first storey level of the building, from 40% to 41.22%; and
- Section 901.2.b by reducing the minimum length of an unobstructed maneuvering aisle for right-angle parking from 8 m (26.25 feet) to 4.64 m (15.22 feet).

Site Context

The 624.3 m² (0.15 acre) property is located on the northwest corner of the intersection of Cliff Avenue and George Street (Highway 97A). A commercial building, constructed in 1965, is located directly on or very near to the northern, eastern and western properties lines and covers approximately 80% of the site; the southern portion of the parcel is paved and is used for parking purposes. A dwelling unit is located on the second storey of the commercial building, with access gained via an exterior staircase on the south side of the building. Vehicular access is gained via Lambly Lane to the south of the property. Customer parking is available on street on Cliff Avenue, as well as in the nearby Russell Avenue parking lot.

The subject property and properties to the east, south and west are all zoned General Commercial (C.1) and are designated as General Commercial in the Official Community Plan (OCP), while the property to the north (City Hall) is zoned Assembly, Civic and Public Service Use (S.1) and is designated as Institutional in the OCP.

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



Figure 1: Zoning Map

Purple – General Commercial (C.1)

Teal – Assembly, Civic and Public Service (S.1)

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



Figure 2: Orthophoto

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

PROPOSAL:

The applicant is proposing to convert the existing ground floor of the building to include a 241 m² (2,597 square foot) commercial retail unit, and two dwelling units in the southwest portion of the building; the dwelling units consist of a 42.5 m² (458 square foot) bachelor unit and a 57.6 m² (620 square foot) two-bedroom unit. The southeast portion of the ground floor will be converted to a garage to accommodate four off-street parking spaces. The second storey will be converted to include a 31.1 m² (335 square

foot) commercial office space and a 188.1 m² (2,025 square foot) three-bedroom dwelling unit. The exterior staircase that is currently used to provide access to the second storey is proposed to be removed, with access to the second storey to be gained via an interior staircase.

ZONING BYLAW:

The subject property is zoned General Commercial (C.1) and uses within this zone include:

- Accessory buildings and structures
- Accommodation including dwelling units, hotels and motels
- Civic use
- Auditoriums, youth centres and social halls
- Educational facilities and professional studios
- Entertainment and recreation facilities
- Cannabis-Related Business
- Food service (excluding drive-through restaurants)
- Office and commerce facilities
- Public service use
- Retail sales
- Service and repair
- Transportation facilities

The proposal as compared to the Zoning Bylaw requirements for the C.1 zone is as follows (highlighted items require a variance):

CRITERIA	C.1 ZONE REQUIREMENTS	PROPOSAL
Principal buildings per lot (max.)	1	1
Floor area for dwelling units (min.)	Bachelor = 290.6 square feet One bed = 430.6 square feet Two bed = 484.4 square feet Three bed = 592.0 square feet	Bachelor = > 290.6 square feet Two bed = > 484.4 square feet Three bed = > 592.0 square feet
Building height (max.)	Lesser of 12 m (39.37 feet) or three (3) storeys	< 12 m (39.37 feet) or three (3) storeys
Lot coverage (max.)	90%	79.6%
Lot frontage (min.)	7 m (22.97) and not less than 10 m (32.81 feet) adjacent to controlled access highway	George Street = 32 m (105.0 feet) Cliff Avenue = 19.5 m (63.0 feet)
Number of required off-street loading spaces	Not required	N/A
Setbacks (min.)	0 m	0 m Front 0 m Side 0 m Rear 4.64 m Exterior Side

Location of dwelling units	Dwelling units shall be located <u>entirely</u> above and/or behind the commercial use, but being an integral part of these premises	Not entirely above and/or behind the commercial use
Max permitted gross density	60 units/hectare	48.1 units/hectare
Ratio of residential to commercial floorspace on ground floor (max.)	40%	41.22 %
Number of required off-street parking spaces	<p>When located in downtown designated parking area, only required where the total floor area is increased in excess of ten percent (10%) over the existing floor area, or where residential density is increased, in which case the amount of additional parking spaces required shall be calculated on the basis of:</p> <p>i. the increase in the size of the existing structure exceeding ten percent; and</p> <p>ii. the use of the addition; or</p> <p>iii. the increase in residential density.</p> <p>Increase in density is 1 bachelor dwelling unit and 1 two-bedroom dwelling unit</p> <p>Minimum number of stalls is 1 per bachelor dwelling and 2 per dwelling unit</p> <p><u>TOTAL = 3</u></p>	4
Parking stall dimensions (min.)	6 m (19.68 feet) x 2.8 m (9.186 feet)	6 m (19.68 feet) x 2.8 m (9.186 feet)
Unobstructed maneuvering aisle length (min.)	8 m (26.25 feet) for right angle parking	4.64 m (15.22 feet)

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.

- Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.
- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

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

The City's Public Works Manager provided the following comments:

With respect to the variance request to reduce the minimum length of an unobstructed maneuvering aisle for right-angle parking, this is acceptable given the low quantity of stalls, the expected traffic volume and speed in the lane, and the fact that the owner is proposing to remove the exterior stairs on the southeast side of the building.

However, it should be noted that buildings in this zone do not have a rear yard setback. While the owner is obligated to maintain an unobstructed maneuvering aisle on the subject property to provide for this on-site parking configuration, this obligation does not flow to neighbouring properties unless they too have a similar parking configuration (which is not currently the case).

In this respect, there is a potential sightline issue for vehicles backing out of the proposed on-site parking stalls if the adjacent property rebuilds or adds in a way that shifts the rear of the building further south towards the lane.

While this sightline issue should be noted, considerations in favour of the variance are:

1. *Even if this variance were not granted, the potential sightline issue of the adjacent property would remain for any off-street parking due to the lack of a rear yard setback.*
2. *The lane's typical traffic volume and low speed is not expected to increase given its limited (but valuable) purpose and adjacent roads, its relatively small dedicated width, and the quantity of road accesses available through the south side of the Russell Avenue parking lot.*
3. *There are ways that occupants will adjust driving habits to mitigate the sightline challenge, such as by backing into a parking stall or angling their vehicles southwest as they back out to reduce the angle at which they enter the lane, thus improving their line of sight while signaling to oncoming traffic that a vehicle intends to enter the lane.*

I would recommend that the variance be granted subject to the owner indemnifying the City of Enderby.

PLANNING ANALYSIS:

Location of Dwelling Units

The City of Enderby Planner raises no objections to the applicant's request to vary Section 401.11.d.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by not requiring dwelling units to be located *entirely* above and/or behind a commercial use, as shown on the attached Schedule 'A'. This particular zoning provision is intended to protect the viability of commercial storefronts within commercial areas and prevent storefronts from being eroded by residential interests. Having said that, the commercial viability of the property's George Street (Highway 97A) frontage, for which the southern portion is proposed for residential purposes, is limited in nature (i.e. no on-street parking, no adjacent storefronts); given that all of the Cliff Avenue frontage and ~33% of the George Street frontage is being retained for commercial purposes, it is not anticipated that having a portion of the property's George Street frontage used for residential purposes would negatively impact the overall commercial viability of the site. Furthermore, it is recognized that the applicant is limited in their ability to locate ground floor residential entirely behind a commercial use, given that the property is a corner lot which fronts two streets, and the applicant is using the southeast corner of the building for parking purposes.

Ratio of Residential to Commercial Floorspace on Ground Floor

The City of Enderby Planner raises no objections to the applicant's request to vary Section 401.11.d.vi of the City of Enderby Zoning Bylaw by increasing the maximum percentage of the total floor area of residential dwelling units on the ground floor level as compared to the total floor area of the first storey level of the building, from 40% to 41.22%, as shown on the attached Schedule 'A'. This zoning provision is intended to preserve the supply of ground level commercial floorspace and avoid situations where that commercial floorspace is being eroded by residential interests. Having said that, the proposed variance only represents a 1.22% increase in the residential floor space, which will not have a significant impact on the commercial viability of the site nor the local commercial floorspace inventory more broadly.

Length of Unobstructed Maneuvering Aisle for Right-Angle Parking

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.2.b by reducing the minimum length of an unobstructed maneuvering aisle for right-angle parking from 8 m (26.25 feet) to 4.64 m (15.22 feet), as shown on the attached Schedule 'A', subject to conditions. Given that the proposed maneuvering aisle is adjacent to a lane of sufficient width and with limited traffic volumes and speeds, it is not anticipated that a reduced length of a maneuvering aisle would impact the ability of a vehicle to safely maneuver on to or off of the property. Having said that, as discussed by the City's Public Works Manager in his referral comments, the General Commercial (C.1) zone permits 0 m setbacks and therefore there is the potential for a building on the neighbouring property to the east to be constructed directly on the southern property line, which would create a potential sightline issue for vehicles using the maneuvering aisle to exit the subject property. As described by the City's Public Works Manager, this potential sight line issue is mitigated given that:

1. Even if this variance were not granted, the potential sightline issue of the adjacent property would remain for any off-street parking due to the lack of a rear yard setback;
2. The lane's low traffic volume and low speed is not expected to increase given its limited (but valuable) purpose and adjacent roads, its relatively small dedicated width, and the quantity of road accesses available through the south side of the Russell Avenue parking lot; and
3. There are ways that occupants will adjust driving habits to mitigate the sightline challenge, such as by backing into a parking stall or angling their vehicles southwest as they back out to reduce the angle at which they enter the lane, thus improving their line of sight while signaling to oncoming traffic that a vehicle intends to enter the lane.

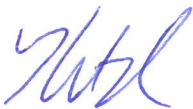
Given the above, and in accordance with the recommendation of the City's Public Works Manager, it is recommended that Council support the variance request subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit; the registration of the Covenant will ensure the City is not taking on any liability associated with permitting a reduced maneuvering aisle length, while also serving as a notice to future prospective property purchasers with respect to the matter.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 809 George Street, Enderby BC. The applicant is requesting to vary the City of Enderby Zoning Bylaw No. 1550, 2014 in order to i) not require dwelling units to be located entirely above and/or behind a commercial use, ii) increase the maximum ratio of residential to commercial floorspace on the ground floor level, and iii) reduce the minimum length of an unobstructed maneuvering aisle for right-angle parking.

The City of Enderby Planner is recommending that Council support the variance requests, subject to the owner registering a covenant on the title of the property which releases, indemnifies, and holds harmless, including litigation costs, the City of Enderby for all matters related to or arising from the issuance of the Development Variance Permit.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



Tate Bengtson
Chief Administrative Officer

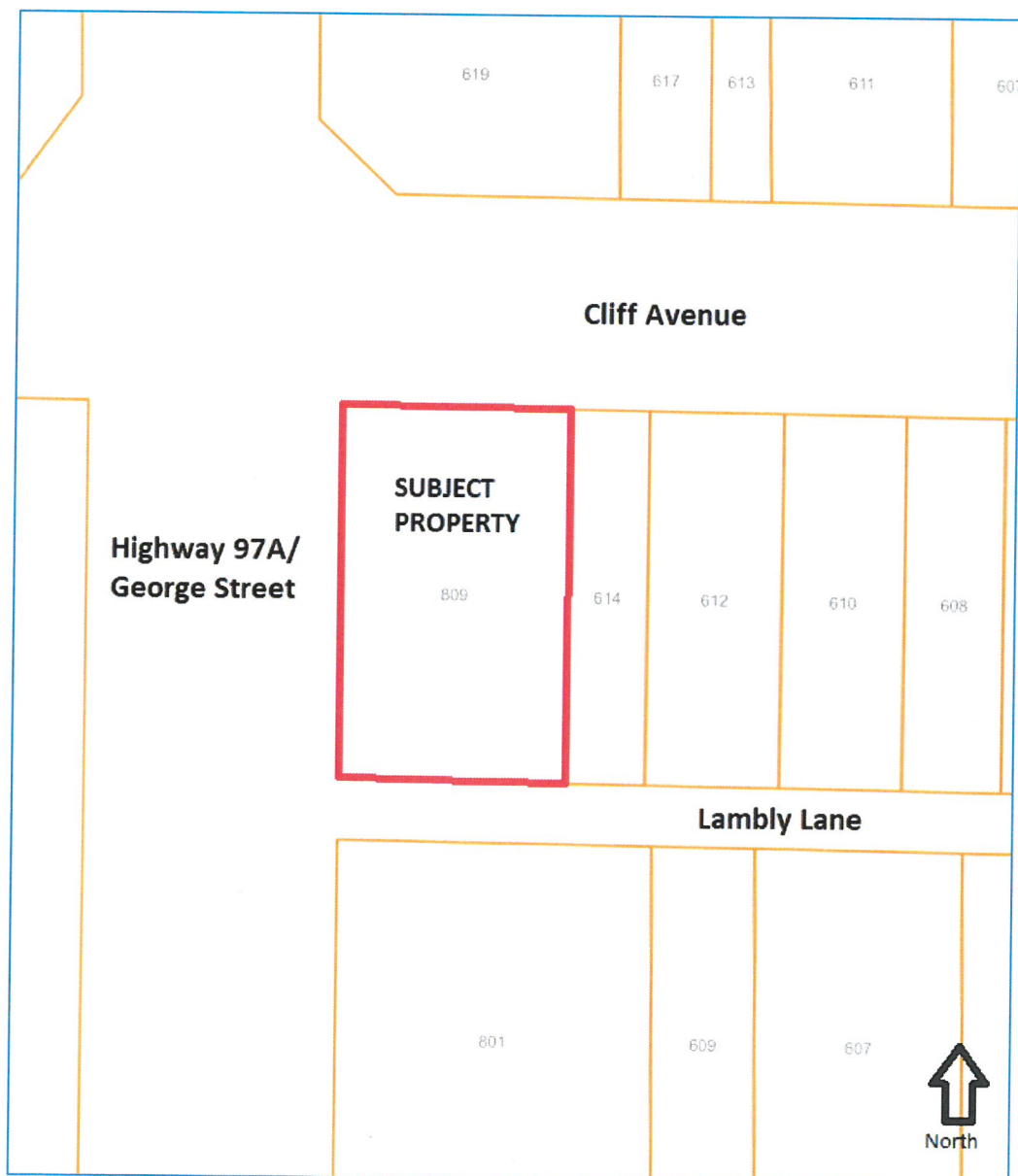
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0063-23-DVP-END (Netzelwood)

Applicant: Drayson Netzelwood

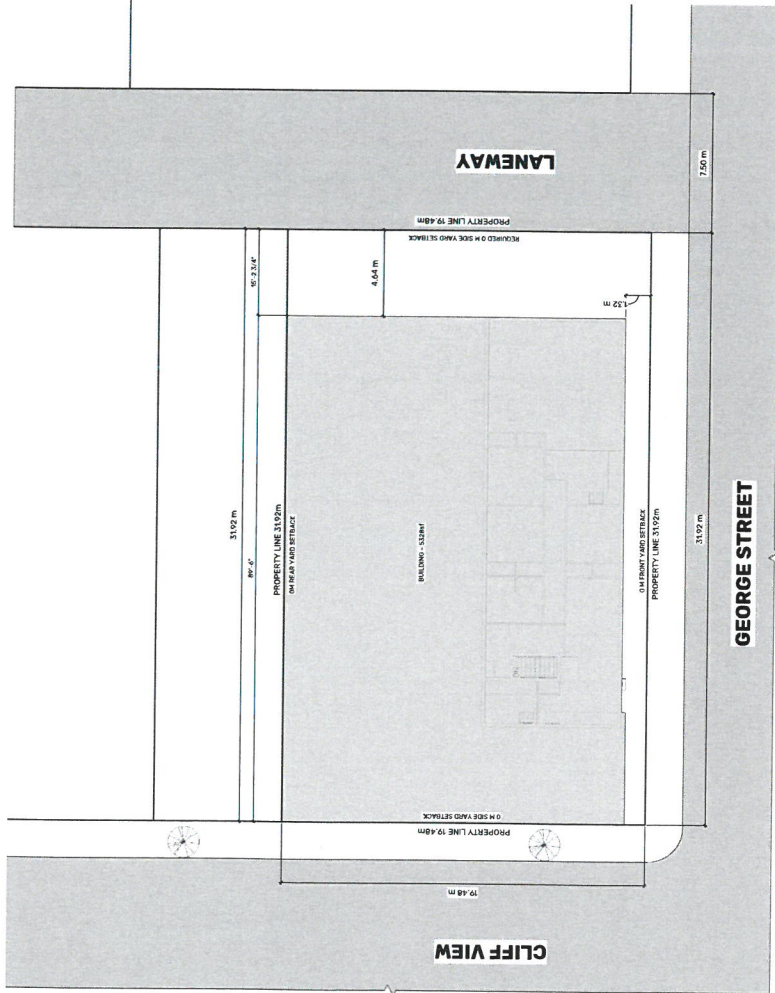
Owner: Terry Ann Nadine Stebanuk

Location: 809 George Street, Enderby BC





SCHEDULE 'A'



GEORGE STREET

LANEWAY

CLIFF VIEW

1.0 SITE PLAN 1" = 10'-0"

SITE SPECIFIC INFORMATION

LEGAL DESCRIPTION:
LOT 1, BLOCK 13, PLAN KAP21A DISTRICT LOT 150 KOOTENAY LAND DISTRICT
CIVIC ADDRESS: 809 GEORGE ST. ENDERBY B.C.

ZONE: C1 (DOWNTOWN DESIGNATED PARKING AREA)

DISTRICT: ENDERBY

NOT IN ALR

PRIMARY USE: COMMERCIAL AND RESIDENTIAL

LOT AREA:

6493 SF / 0.052 ha

5328 SF (79.60%)(MAX 50%)

LOT COVERAGE - BUILDINGS

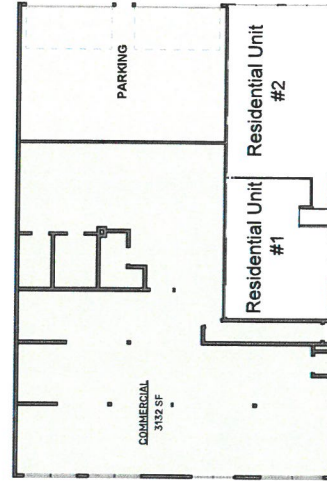
MAX 12.0 M

HEIGHT OF THE BUILDING:

MIN. FRONT YARD - 0M

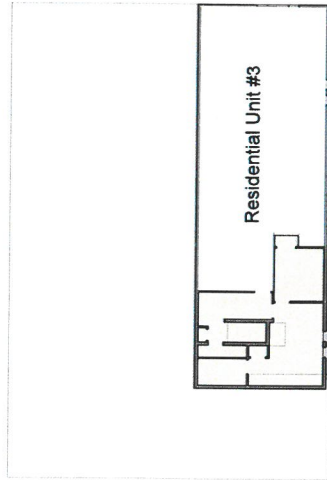
MIN. REAR YARD - 0M

MIN. SIDE YARD - 0M



MAIN FLOOR GROSS AREA

☐ 2196 SF
☐ 3132 SF



UPPER FLOOR GROSS AREA

☐ 1786 SF

* PROPERTY LOT AREA AND DIFFERENCES ARE APPROXIMATE. LOT SIZE IS BASED ON THE MAX. FLOOR INTERSECTION.

No.	Description	Date
01	Issued for Review	2023-12-07

809 GEORGE STREET
ENDERBY

809 GEORGE STREET,
ENDERBY, B.C.

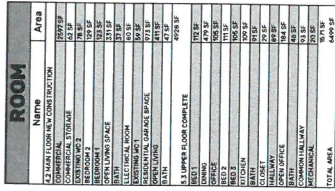
SITE PLAN
GROSS AREA

Project Number	23-055
Date	2023-12-01
Designed By	PW

A01

Scale	As indicated
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809 GEORGE STREET ENDERBY	809 GEORGE STREET, ENDERBY, B.C.	MAIN FLOOR COMPLETE	Project Number	23-055	<div>A05</div> <div>1/4" = 1'-0"</div>
			Date	2023-12-01	
			Designed by	PW	



WINDOWS				
Type Mark	Length	Height	SB Height	Type Comments
EW1	8'-0"	9'-0"	0"	
EW1	8'-0"	2'-0"	0"	
EW2	8'-0"	2'-0"	0"	
EW2	8'-0"	4'-0"	0"	
EW3	10'-0"	7'-0"	2'-0"	
EW4	12'-0"	7'-0"	2'-0"	
EW5	7'-0"	7'-0"	2'-0"	
EW6	2'-0"	5'-0"	2'-0"	
EW7	11'-0"	3'-0"	4'-0"	
EW1	8'-0"	2'-0"	0"	

4.3 MAIN FLOOR COMPLETE

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No: 0065-23-DVP-END

January 5, 2024

APPLICANT: Kerry Korberg

OWNER(S): Jaeden Korberg

LEGAL DESCRIPTION: LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION
YALE DISTRICT PLAN 15492

PID #: 008-818-231

LOCATION: 171 Brickyard Road, Enderby BC

PROPERTY SIZE: 0.19 hectares (0.4695 acres/1,900 square meters)

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

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

PROPOSAL: Subdivision

**PROPOSED
VARIANCES:** Not construct Brickyard Road to centreline of road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works

RECOMMENDATION:

THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit a variance to Section 2.0 of Schedule "A" of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 171 Brickyard Road. The owner is proposing to subdivide the property in order to create one new lot, as shown on the attached Schedule 'A'. The existing single-family dwelling would be located on the smaller parcel, while the larger Remainder Lot is proposed to be used for a future adult retirement housing development, as shown on the attached Scheduled 'B'. The applicant is seeking a variance to the City of Enderby Subdivision Servicing

and Development Bylaw No. 1278, 2000 in order to not require Brickyard Road adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, as a condition of subdivision; the applicant previously applied for this variance as part of a broader Development Variance Permit application in 2022, with that particular variance request being denied by Council.

Site Context

The 1,900 m² (0.4695 acre) subject property is located on the east side of Brickyard Road, directly to the east of the Rail Trail. A single-family dwelling, built in 1901, is located in the southwest corner of the property while an accessory residential building is located along the northern property boundary. The property is flat and access is gained via a gravelled driveway off of Brickyard Road. The rear of the property is adjacent to the AL Fortune Secondary School field.

The zoning and OCP designations of the subject property and surrounding properties are as follows:

- Subject property - Zoned Residential Multi-Family Medium Intensity (R.3) and designated in the Official Community Plan (OCP) as Residential Medium Density
- North and south properties - Zoned Residential Single Family (R.1) and designated in the OCP as Residential Low Density
- Western property - Zoned Transportation Corridor (S.2) and designated in the OCP as Transportation Corridor
- Eastern property - Zoned Assembly, Civic and Public Service (S.1) and designated in the OCP as School Site

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



Figure 1: Zoning Map

Yellow - Residential Single Family (R.1)
 Orange – Residential Multi-Family Medium Intensity (R.3)
 Teal - Assembly, Civic and Public Service (S.1)
 Purple - Transportation Corridor (S.2)
 Green – Highway and Tourist Commercial (C.2)

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



Figure 2: Orthophoto

Development History

In 2019, the applicant submitted a Joint Official Community Plan Amendment and Rezoning Application which proposed to rezone the subject property from the Residential Single Family (R.1) zone to the Residential Multi-Family Medium Intensity (R.3) zone and to change the Official Community Plan designation of the property from Residential Low Density to Residential Medium Density; the purpose of the application was to facilitate an adult retirement housing. The application was approved by Council. No contribution towards the impact of the density was collected at the time of rezoning, as the actual density of a proposed development is not known until later in the development stage; the City's practice has been to trigger these requirements

at the subdivision or building permit stage, under Section 506 of the *Local Government Act*, which is fairer to the applicant.

In 2022, the applicant submitted an application proposing to subdivide the property in order to create one new lot, as shown on the attached Schedule 'A'. The existing single-family dwelling would be located on the smaller parcel, while the larger Remainder Lot was proposed to be used for a future adult retirement housing development. As part of the proposed subdivision, the applicant submitted a Development Variance Permit seeking variances to the City of Enderby Zoning Bylaw No. 1550, 2014 in order to, i) reduce the minimum lot area for adult retirement housing from 1,900 m² (20,452 square feet) to 1,461 m² (15,727 square feet), ii) reduce the minimum rear yard setback area for a single family dwelling from 6 m (19.68 feet) to 2.97 m (9.75 feet), and iii) reduce the minimum lot frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9 m (29.53 feet). Furthermore, the applicant sought variances to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to, i) not require Brickyard Road adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards, ii) not require Brickyard Road adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, iii) not require a direct connection to the community sanitary sewer system for the proposed new lot with the existing single-family dwelling, iv) defer the requirement to design and construct a storm drainage system to a future subdivision or Building Permit stage, v) not require the provision of ornamental street lighting, and vi) not require the provision of underground wiring for power, telephone and cablevision. Lastly, the applicant applied for a lot frontage waiver for both of the proposed lots.

The lot frontage waiver and all of the requested variances were approved (some with conditions) except the variance request to not construct Brickyard Road to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, which was denied by Council. At this time, the subdivision conditions have not been met.

The Proposal

The applicant's development plan remains largely the same: they are proposing to subdivide the property in accordance with the attached Schedule 'A', with the existing single-family dwelling to be located on the smaller parcel and a future adult retirement housing development to be located on the larger Remainder Lot, as shown on the attached Schedule 'B'; it should be noted that the property owner is not obligated to the proposed development plan, and may develop the properties in accordance with any of the permitted uses of the Residential Multi-Family Medium Intensity (R.3) zone.

The applicant is again seeking a variance to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to not require Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, as a condition of subdivision. It should be noted that the total value of the construction to centreline works, or cash-in-lieu equivalent, has not been determined; as the applicant is seeking a full waiver of the construction to centreline/cash-in-lieu requirements, they have not retained an engineer to prepare an Opinion of Probable Cost at this time. The road frontage is 26.93 m (88.35 feet), which is relatively short for a development of this nature, due to the lot depth.

ZONING BYLAW:

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

- Apartment and multi-family residential;
- Adult retirement housing;
- Four family dwellings;
- Three family dwellings;
- Two family dwellings;
- Single family dwellings;
- Attached secondary suites;
- Row housing;
- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing and personal care homes;
- Restricted agricultural use;
- Bed and breakfasts;
- Civic and public service use; and
- Keeping of backyard hens and bees.

The proposal as compared to the Zoning Bylaw requirements for the R.3 zone is as follows (highlighted items require a variance):

CRITERIA	R.3 ZONE REQUIREMENTS	PROPOSAL
Lot Area (min.)	350 m ² (3,767 square feet) for single-family dwellings 1,900 m ² for adult retirement housing	350 m ² (3,767 square feet) for single-family dwelling 1,461 m ² (15,727 square feet) for adult retirement housing – PREVIOUSLY VARIED
Lot Coverage (max.)	50%	< 50%
Lot Frontage (min.)	12 m (49.21 feet) for single-family dwellings 35 m (114.8 feet) for adult retirement housing Not less than one-tenth of the perimeter of the parcel 10 m (32.81 feet) for a panhandle lot that cannot be further subdivided	9 m (29.53 feet) for proposed new lot with single-family dwelling – LOT FRONTAGE WAIVER PREVIOUSLY GRANTED 17.93 m (58.83 feet) for proposed Remainder Lot for adult retirement housing – LOT FRONTAGE WAIVER PREVIOUSLY GRANTED Less than one-tenth of the perimeter of the parcels – LOT FRONTAGE WAIVER PREVIOUSLY GRANTED 9 m (29.53 feet) for panhandle lot that cannot be further subdivided – PREVIOUSLY VARIED

CRITERIA	R.3 ZONE REQUIREMENTS	PROPOSAL
Setbacks (min.)		
Front Yard	6 m (19.68 feet)	7.58 m (24.87 feet)
Rear Yard	6 m (19.68 feet)	2.97 m (9.75 feet) – PREVIOUSLY VARIED
Side Yard	1.2 m (3.94 feet)	2.84 m (9.33 feet)
Other buildings	3 m (9.842 feet)	> 3 m (9.842 feet)

SUBDIVISION SERVICING AND DEVELOPMENT BYLAW

Section 2.0 of Schedule "A" of the Subdivision Servicing and Development Bylaw requires the construction of local roads adjacent to residential properties proposed for subdivision, in accordance with Design, Materials, and Installation standards outlined in Section 2.0 of Schedule "A" of the Bylaw.

The applicant is seeking a variance to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to not require Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works.

OFFICIAL COMMUNITY PLAN:

Policies contained within the OCP which apply to this development include:

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

REFERRAL COMMENTS:

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

The following comments were received in response to the referral:

Public Works Manager

Reconstructing Brickyard Road to centreline adjacent to the subject property should not be waived given the density impact attributable to the development.

It would be more cost-effective for the applicant, and a wiser asset management strategy for the City, to provide a cash-in-lieu contribution equivalent to reconstruction to centreline so that the improvements attributable to this subdivision, which adds density not previously contemplated in this area, can be addressed in the context of a proper redesign. Spot improvements to linear infrastructure do not have the functionality or lifespan as fully rebuilt linear infrastructure.

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

PLANNING ANALYSIS:

The City of Enderby Planner's concerns remain unchanged with respect to the applicant's request to vary Section 2.0 of Schedule "A" by not requiring Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works. The proposed development will add a significant amount of density to the property and thus will have an impact on the adjacent works and services; given this, Staff feel that it is appropriate for the applicant to contribute towards the construction of Brickyard Road to the centreline of the road, which would likely be collected as a cash-in-lieu payment that would be directed towards a future renewal of the road. For those reasons, it is recommended that Council not support this variance request.

Staff would like to clarify the following points from the applicant's attached written submission:

APPLICANT: "The variance related solely to the subdivision of the existing 1901 house from the residual land which the owner seeks to develop as an 8-unit Adult Retirement Housing project. The previous owner obtained rezoning to R3 as a precondition of the sale. The R3 zoning allowed for 11 units on the property when the owner bought it. The subdivision does not increase the potential density of the property, it reduces it to 9 total units."

The applicant's assertion that it was the previous property owner who rezoned the property, and that the applicant's proposal is a *reduction* in density compared to what was permitted when they purchased the property, fails to properly describe the context of the rezoning. Mr. Korberg was in fact the applicant for the Joint Official Community Plan Amendment and Rezoning Application that was submitted in 2019 for 171 Brickyard Road, which proposed to rezone the subject property from the Residential Single Family (R.1) zone to the Residential Multi-Family Medium Intensity (R.3) zone and to change the Official Community Plan designation of the property from Residential Low Density to Residential Medium Density. It was Mr. Korberg who made the application in order to facilitate his family's development of an 11-unit adult retirement housing development on the property, with the sale being completed once the application was approved. Although Mr. Korberg is now proposing to change his development plans for 171 Brickyard Road to only involve 8 adult retirement units, instead of the 11 that were proposed as part of his OCP Amendment/Rezoning application in 2019, this still represents a significant increase in density as compared to the current and historical use of the property, which is a single-family dwelling that has existed since 1901.

APPLICANT: "The City have identified no services that are required to be constructed to allow this subdivision to proceed."

The authority for the City to require the construction of Brickyard Road as a condition of subdivision is outlined in Section 506 of the *Local Government Act*; this requirement is being triggered as a condition of subdivision given that the proposed development will have impacts on works and services which are directly attributable to the proposed development.

APPLICANT: “There is nothing in this Section that supports or refers to the City having the right to make a demand for a cash in lieu payment for construction costs to be taken and to hold those monies indefinitely against future maintenance costs for wear and tear on the street and services. This Section is clearly intended to save the city harmless where required offsite works have not been completed while a subdivision is being approved.”

In lieu of an applicant completing the construction of a road(s) to centreline as a condition of subdivision, the City may collect cash-in-lieu for the value of these works which would be applied towards a future full re-construction of the road(s); the provision of cash-in-lieu in no way relates to the on-going maintenance of a road. This approach provides the following benefits to the applicant:

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

Should Council deny the variance request to not construct Brickyard Road to centreline in accordance with the Local Road standards, Staff are open to having a conversation with the applicant regarding completing the actual construction of Brickyard Road to centreline, instead of providing a cash-in-lieu payment; should the applicant wish to go this route, the potential cost and time impacts described above will be explained to the applicant again.

APPLICANT: Referred to the following statement from Lisa Andres, Finance Officer with the Ministry of Municipal Affairs, in her email dated March 27, 2023: “Generally, road maintenance, and existing road deficiencies are paid by the existing development through taxation or fees.”

As previously discussed, the requirement to construct Brickyard Road to the centreline of the Road in accordance with the Local Road standards, or to provide a cash-in-lieu payment equal to the cost of those works, in no way relates to the on-going maintenance of the road, which, as Ms. Andres stated, is correctly paid through taxation. This development proposal involves a significant change in density attributable to the subdivision, which current taxation is not funding.

In her email, Ms. Andres states: *“Local Governments are autonomous and accountable to their citizens and the Ministry does not generally get involved in local issues. I do not know the specifics of this issue, or expertise to provide any opinions.”* Ms. Andres concludes her email by confirming that pursuant to Section 506 of the *Local Government Act*, a local government may by bylaw require certain works at subdivision, which is the case here.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 171 Brickyard Road. The owner is proposing to subdivide the property in order to create one new lot, as shown on the attached Schedule 'A'. The existing single-family dwelling would be located on the smaller parcel, while the larger Remainder Lot is proposed to be used for a future adult retirement housing development, as shown on the attached Scheduled 'B'. The applicant is seeking a variance to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to not require Brickyard Road adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards; the applicant previously applied for this variance as part of a broader Development Variance Permit application in 2022, with that particular variance request being denied by Council.

The City of Enderby Planner is recommending that Council not support the variance request.

Prepared By:

Kurt Inglis, MCIP, RPP
Planner

Reviewed By:

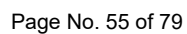
Tate Bengtson
Chief Administrative Officer

File: 0065-23-DVP-END

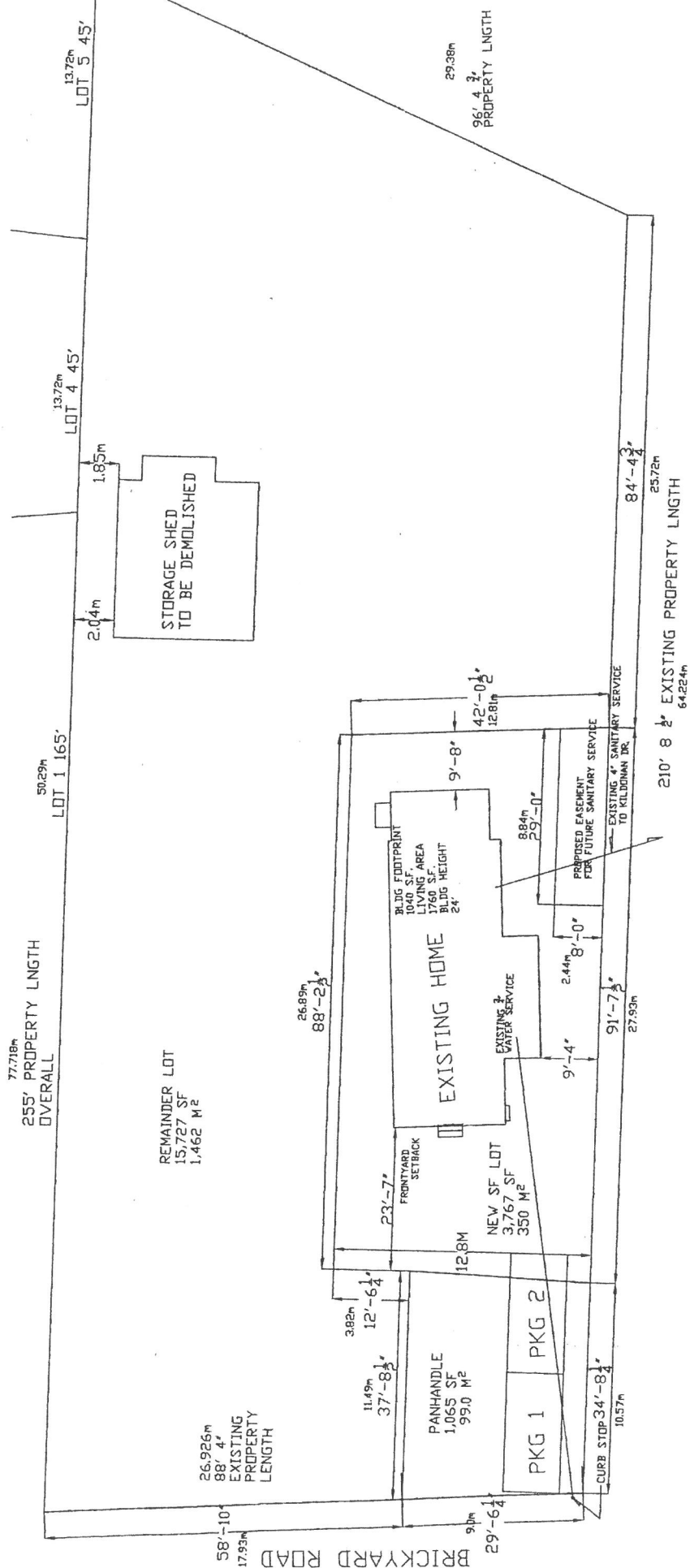
Applicant: Kerry Korberg

Owner: Jaeden Korberg

Location: 171 Brickyard Road, Enderby BC



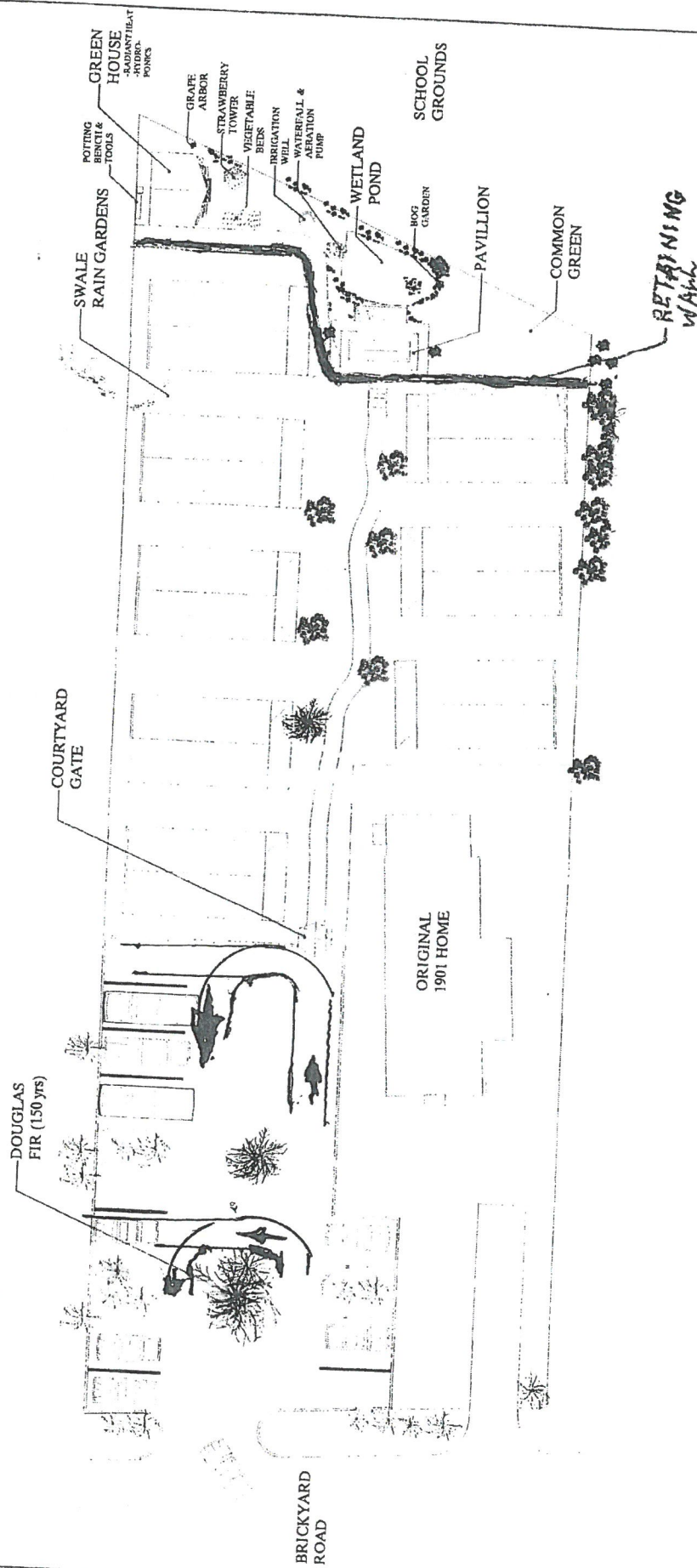
SCHEDULE 'A'



SINGLE FAMILY LOT
SUBDIVISION
LOT 2 DL 150 PLAN 15492
171 BRICKYARD ROAD

Schedule 'B'

EXH. I



REASONS AND EXHIBITS IN SUPPORT OF THE APPLICATION

Exhibit A: Preliminary Layout Review letter(PLR) from Jennifer Miles on behalf of the Approving Officer RDNO setting out the conditions for subdivision,

8. Brickyard road must be constructed to the centreline.

Exhibit B: Excerpt from Section 938 of The Local Government Act

(6) As a condition of subdivision a Local Government may require works and services to their Bylaw standard.

(8) Requirements under (6) may only be made insofar as they are directly attributable to the subdivision

Background and Response

The City have identified no services that are required to be constructed to allow this subdivision to proceed.

Exhibit A: PLR

In this regard the City may opt to take cash in lieu of constructing the road in accordance with the provisions outlined in Section 7.0 of Bylaw 1278.

Exhibit C: Section 7.0 Subdivision Bylaw 1278

a) Where all works required to be constructed by the developer are not constructed before the Approving Officer approves the subdivision, security of cash or irrevocable letter of credit must be paid to the city in the amount of 120% of construction cost as estimated by the Approving Officer.

Background and Response

There is nothing in this Section that supports or refers to the City having the right to make a demand for a cash in lieu payment for construction costs to be taken and to hold those monies indefinitely against future maintenance costs for wear and tear on the street and services. This Section is clearly intended to save the city harmless where required offsite works have not been completed while a subdivision is being approved

Exhibit D: Lisa Andres Finance Officer, Local Government Finance, Ministry of Municipal Affairs

para 1. Generally, road maintenance, and existing road deficiencies are paid for by the existing development through taxation or fees

Exhibit E: Owner's preliminary statement in support of the Application

Contains the mistaken assumption of Kerry Korberg that the Planning Department supported the Variance.

Exhibit F: Bret Korberg

Letter setting out Kerry Korberg's recollection of previous Variance events and reasons in support of the new application.

Exhibit G: Kurt Ingles Planner

Letter clarifying sequence of events for existing Development Variance

Exhibit H: Excerpt pages 25-29 from June 6, 2022 Council Agenda

Official Community Plan pgs 25 & 26

City Report setting down Council goals of encouraging infill of existing neighbourhoods with a spectrum of affordable, attainable housing with appropriate levels of infrastructure in a fiscally responsible manner.

Response: This project has been envisioned and planned to fulfill those OCP goals.

Exhibit H: Council Agenda cont'd pg26

Public Works Manager: Given the nature of the development Reconstructing Brickyard road should not be waived

Response

The Planner has advised that what the Public Works Manager meant to say when he referred to "the nature of the development" was that there would be increased development as a result of the subject application.

The Variance related solely to the subdivision of the existing 1901 house from the residual land which the owner seeks to develop as an 8 unit Adult Retirement Housing project. The previous owner obtained rezoning to R3 as a precondition of the sale. The R3 zoning allowed for 11 units on the property when the owner bought it. The subdivision does not increase the potential density of the property it reduces it to 9 total units.

EXH. A

The following conditions of subdivision are provided for information should you be able to resolve the above-noted reasons for not granting preliminary approval of the proposed plan of subdivision. These conditions may be amended or expanded upon depending on the receipt of new or additional information or the positive resolution to the matters above. It is recommended that you do not invest in satisfying the following conditions until the above-noted matters have been satisfied and a letter has been provided which grants preliminary approval of your proposed subdivision.

1. The proposed lots must comply with the permitted use and maximum number of buildings per lot provisions of the Multi-Family Medium Intensity (R.3) zone as outlined in Sections 604.1 and 604.3 of the City of Enderby Zoning Bylaw No. 1550, 2014.
2. The proposed lots must comply with the minimum lot area requirements of the R.3 zone as outlined in Section 604.6 of Zoning Bylaw No. 1550.
3. The proposed lots must comply with the minimum lot frontage requirements of the R.3 zone as outlined in Sections 604.8 and 1101.1 of Zoning Bylaw No. 1550.
4. The proposed lots must comply with the maximum lot coverage requirements of the R.3 zone as outlined in Section 604.7 of Zoning Bylaw No. 1550.
5. With respect to new property lines, all buildings located on the proposed lots must conform with the setback provisions outlined in Section 604.10 of Bylaw No. 1550.
6. Parking must be provided in accordance with the provisions outlined in Section 901 of Zoning Bylaw No. 1550 with respect to proposed lots that would contain an existing dwelling.
7. Brickyard Road adjacent to the proposed lots must be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with Section 2.0 of Schedule 'A' of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000.
8. Brickyard Road adjacent to the proposed lots must be constructed to the centreline of the road in accordance with the Local Road Standards set out in Section 2.0 of Schedule 'A' of the Subdivision Servicing and Development Bylaw No. 1278. In this regard, the City of Enderby may opt to take cash-in-lieu of constructing the road in accordance with the provisions outlined in Section 7.0 of Bylaw No. 1278.
9. A storm drainage system is required to be designed and constructed in accordance with the Design, Materials, and Installation standards outlined in Section 5.0 of Schedule 'A' of Bylaw No. 1278. Design flows must be based on the concept of major and minor drainage systems and must attempt to maintain zero increase in peak flows over the pre-development flows. All works must be consistent with the City of Enderby Stormwater Protection and Drainage Regulation Bylaw No. 1640, 2017. Amendments to the major drainage system may only be permitted upon consultation with a detailed analysis by the City of Enderby as outlined under Section 5.2.1.b of Schedule "A" of Bylaw No. 1278.
10. The proposed lots must be connected to the City's water supply system in accordance with the Design, Materials and Installation standards outlined in Section 3.0 of Schedule 'A' of Subdivision Servicing and Development Bylaw No. 1278.

CITY MAIN UPGRADE?

EX H. B

938 (1) A local government may, by bylaw, regulate and require the provision of works and services in respect of the subdivision of land, and for that purpose may, by bylaw, do one or more of the following:

- (a) regulate and prescribe minimum standards for the dimensions, locations, alignment and gradient of highways in connection with subdivisions of land;
- (b) require that, within a subdivision, highways, sidewalks, boulevards, boulevard crossings, transit bays, street lighting or underground wiring be provided, and be located and constructed in accordance with the standards established by the bylaw;
- (c) require that, within a subdivision, a water distribution system, a fire hydrant system, a sewage collection system, a sewage disposal system, a drainage collection system or a drainage disposal system be provided, located and constructed in accordance with the standards established in the bylaw.

(2) A bylaw under subsection (1) may be different in relation to one or more of the following:

- (a) different circumstances;
- (b) different areas;
- (c) different land uses;
- (d) different zones;
- (e) different classes of highways.

(3) A local government must not impose a requirement under subsection (1) (b) or (c) in respect of a subdivision under the *Strata Property Act*.

(3.1) Before it is adopted, a bylaw under subsection (1) (a) or (b) that establishes standards or requirements in relation to highways in an area outside a municipality

- (a) must be approved by the minister responsible for the *Transportation Act*, if the regional district provides the services referred to in section 800 (2) (i) [approving officer services], and
- (b) may be approved by that minister for the purposes of section 13.1 (4) of that Act.

(4) If a local government, an improvement district or greater board operates a community water or sewer system, or a drainage collection or disposal system, the local government may, by bylaw, require that a system referred to in subsection (1) (c) be connected to the local government, improvement district or greater board system, in accordance with standards established in the bylaw.

(5) If there is no community water system, the local government may, by bylaw, require that each parcel to be created by the subdivision have a source of potable water having a flow capacity at a rate established in the bylaw.

(6) As a condition of

- (a) the approval of a subdivision, or

(b) the issue of a building permit,

a local government may require that the owner of the land provide works and services, in accordance with the standards established in a bylaw under this section, on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the centre line of the highway.

(7) As a condition of the issue of a building permit, a local government may require that the owner of the land provide, on the site being developed, works and services in accordance with the standards established in a bylaw under this section.

(8) Requirements under subsections (6) and (7)

(a) may only be made insofar as they are directly attributable to the subdivision or development, and

(b) must not include specific services that are included in the calculations used to determine the amount of a development cost charge, unless the owner agrees to provide the services.

(9) If the owner agrees to provide the services referred to in subsection (8) (b), the calculation of the development cost charge is subject to section 933 (8).

Excess or extended services and latecomer payments

939 (1) For the purposes of this section, "**excess or extended services**" means

(a) a portion of a highway system that will provide access to land other than the land being subdivided or developed, and

(b) a portion of a water, sewage or drainage system that will serve land other than the land being subdivided or developed.

(2) A local government may require that the owner of land that is to be subdivided or developed provide excess or extended services.

(3) If an owner, in accordance with a bylaw under section 938, provides a highway or water, sewage or drainage facilities that serve land other than the land being subdivided or developed, this section applies.

(4) If a local government makes a requirement under subsection (2), the cost of providing the excess or extended services must be paid for by

(a) the municipality or regional district, or

(b) if the local government considers its costs to provide all or part of these services to be excessive, by the owner of the land being subdivided or developed.

(5) If the owner is required under subsection (4) (b) to pay all or part of the costs of excess or extended services, the municipality or regional district must

(a) determine the proportion of the cost of providing the highway or water, sewage or drainage facilities that it considers constitutes the excess or extended service,

1/2 ROAD

EXH. C

**CITY OF ENDERBY
SUBDIVISION SERVICING AND DEVELOPMENT
BYLAW NO. 1278, 2000**

2. Natural gas services may, at the owner's option, be provided for some subdivisions; and, where such natural gas services are to be provided, they shall be located, constructed and otherwise meet the standards found in Schedule "A" which is attached to and forms part of this Bylaw.

7.0 SECURITY

Where:

- a) all works and services required to be constructed or installed at the expense of the subdivider are not constructed or installed, before the Approving Officer approves the subdivision, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Municipality, in the amount of 120% of the estimated construction cost as estimated by the Approving Officer and satisfactory to the Approving Officer, shall be deposited with the Municipality; and
- b) where all works and services required to be constructed and installed at the expense of the developer pursuant to Section 938(6), (7), or (8) of the Local Government Act are not constructed or installed, before the Building Inspector issues the building permit, security in the form of a cash deposit, or an irrevocable letter of credit from a financial institution acceptable to the Municipality, in the amount of 120% of the estimated construction cost as estimated by the Building Inspector and satisfactory to the Building Inspector, shall be deposited with the Municipality.

8.0 FEES

8.1 Preliminary Layout Review

Pursuant to Section 931 of the Local Government Act a fee of Two Hundred (\$200.00) Dollars for preliminary layout review is payable to the Municipality upon application.

8.2 Application Fees

Pursuant to Section 931 of the Local Government Act a fee of Three Hundred and Eighty (\$380.00) Dollars for the first parcel created by subdivision and One Hundred and Fifty-five (\$155.00) Dollars for each additional parcel is payable to the Municipality.

8.3 Examination Fee

An examination fee as required under Section ^{PIC}83(2)(a) of the Land Title Act and set out in regulations thereto is payable to the Municipality.

EXH. D



Gmail

1/2 ROAD

Kerry Korberg <

DCCs and subdivision requirements

Andres, Lisa MUNI:EX <

To: Kerry Korberg <

Mon, Mar 27, 2023 at 9:21 AM

Hello Kerry

Thank you for your email.

Generally, road maintenance, and existing road deficiencies are paid by the existing development through taxation or fees. For example, DCCs are used to upgrade roads to service new development; regular maintenance of roads, or projects that serve existing development are paid by the existing users through fees or taxation. .

Local Governments are autonomous and accountable to their citizens and the Ministry does not generally get involved in local issues. I do not know the specifics of this issue, or expertise to provide any opinions. The only way to determine if the local government has acted beyond its legislative authority is to be determined by the courts. The reason that the courts are responsible for deciding the issue is because they have the expertise to adjudicate the matter and they are removed from direct involvement. It is not within the Ministry's purview to decide legal issues involving local governments since we are involved in establishing and supporting the local government system.

Section 506 of the Local Government Act, a local government may by bylaw require certain works at subdivision. I recommend you reach out to local government engineering and planning staff to seek under which authority they are imposing the charge or cash in lieu.

Thank you

Lisa Andres (she/her)

Finance Officer

Local Government Finance

Ministry of Municipal Affairs

Phone

From: Kerry Korberg <**Sent:** Tuesday, March 21, 2023 11:57 AM**To:** Andres, Lisa MUNI:EX <**Subject:** Re: DCCs and subdivision requirements

This email came from an external source. Only open attachments or links that

Offsite Subdivision Costs

2 messages

Kerry Korbera

To:

Sat, Dec 9, 2023 at 10:48 AM

OFFSITE SUBDIVISION COSTS FOR 171 BRICKYARD ROAD ENDERBY

As a condition for subdivision the City has imposed on the property owner a cost for new construction of half of the directly adjacent Brickyard road and for prospective service piping in that road.

As a further condition, the City has claimed and exercised their option to demand a cash payment in lieu of this offsite construction being carried out by the owner.

The City's Engineer has reasoned that the prospective new residents of the property will cause future "wear and tear" on this half portion of the adjacent street and the services in it and that the City and its taxpayers must be compensated for that wear and tear.

The City's Subdivision Approving Officer has cited Section 7.0 of the Subdivision Bylaw as the basis for their demand to receive a cash payment in lieu of the owner doing construction.

The owner says that there ought to be no offsite construction cost imposed on him as a condition of his subdivision as there is none necessary that is directly attributable to the subdivision and it would be unfair of the City to do so.

The owner also says that Section 7.0 of the City Subdivision Bylaw makes no provision for demanding a cash payment from a property owner in lieu of his doing offsite construction. The intent of Section 7.0 appears to be to provide an option to a developer to provide temporary security to the City so that he can proceed with his subdivision before the required offsite work can be completed. This security in the form of cash or a Letter of Credit would then be returned to the developer after he completes the offsite construction or, if he reneged, be taken by the City to do the construction themselves. This security process does not apply to the owner's subdivision as there is no required construction. An owner being required to post security indefinitely or permanently does not seem to be supported by the Bylaw.

Brickyard road is a built out street with all major services in place with the exception of a sanitary and storm main. The owner intends to build a City approved onsite stormwater system. The sanitary main is in an easement through neighbouring properties.

Staff advise they have no plan set down for reconstructing the street or the existing services. During the past four years that the owner has had the property the City has been doing incremental asphalt resurfacing of the street however staff advises there is no formal plan in place for this work to continue.

The owner maintains that the imposition of an offsite construction obligation as a subdivision condition is not warranted and would be unfair in this case. There are no offsite works required that are directly attributable to the subdivision. The anticipated "wear and tear" amounts to normal maintenance that would be normally paid for with taxes or utility fees. To single out this property owner and by extension his infill development's buyers to pay extra when the street is built out is not justified. It would result in the subject property's owners paying extra for the maintenance of this busy public road while also paying taxes for work like this as everyone else does. The owner will also pay the standard City Development Cost Charges at the Building Permit stage towards City services

The Engineering department recommended the imposition of this offsite construction cost against the Planning Department report to Council which recommended waiver of offsite construction.

Municipal Affairs has advised the owner that the cost of road maintenance is normally shared by the users through taxes or fees.

In all the circumstances and in consideration of the above, the owner respectfully asks that the subdivision condition for offsite construction be waived.

EXH.F



Kerry Korberg <

Brickyard offsite cost VarianceKerry Korberg <
To

Fri, Dec 15, 2023 at 10:43 AM

Dear Kurt,

Thank you for the minutes from the June 2022 Council meeting on our existing Development Variance permit. My dad thought in error that there had also been a public hearing.

In your previous email you had offered the option of applying for a partial waiver. As we don't believe our subdivision warranted offsite costs we would like to apply for a complete waiver.

As far as Council's denial of the previous offsite variance we note the following:

The offsite cost variance requested in the application, similar to several of the other listed variances such as underground wiring, streetlights and dedication for road right of way, was included at your suggestion. There are streetlights on Brickyard and when my dad measured the existing road right of way it was already conforming to the city bylaw. In spite of there being no need for that variance you told my dad to apply anyway to save us survey costs which he agreed to.

As far as half road offsite costs, in his past experience they would not apply to an infill subdivision like ours. He recalls no discussion with you on that variance prior to its going to Council and assumed it was a formality like the road dedication.

Until we just reviewed your June 2022 report on our Variance, my Dad was under the mistaken understanding that you had supported our half road offsite cost waiver and that Council had rejected your recommendation in favour of the Engineering Department's recommendation to deny that waiver.

If my dad would have had timely knowledge of the City staff recommendation to deny the waiver and impose a cost in lieu charge on us as a condition of our subdivision he would have opposed it at the time.

We had no reasonable opportunity to state our case or to research either the bylaw cited or other relevant information. Reading through your report we also see no clear legislative basis for the denial that Council could have readily considered or how they could know the potential cost impact that would eventually be borne by our unit purchasers and ourselves before making their decision. Undefined and unforeseen costs like this can affect the viability of a project and whether it can proceed.

It is frustrating that Council never heard our side of the story, especially when reading through your reference to the OCP. The OCP policies you quoted were guiding factors in making our plans and buying here in the first place. These Council policies encourage infill and redevelopment. The renovation of our 1901 home and the compact cottage colony we would like to build would seem to fulfill those goals.

We also strongly support the OCP Smart Growth initiative of Council and have tried to tailor our project along those lines. As you also stated the Brownfield strategies in the OCP call for the City to focus growth towards areas with existing infrastructure. Enderby's aggressive forward thinking drew us here along with the opportunity to carry through on it on this property.

We felt that this project would not only be a good opportunity for our family but that it would also be affordable and attractive to buyers. We hoped it would be a welcome and efficient addition to Enderby's tax base without having to extend services to a new area. To us, that is the intent of the OCP references, being to maximize the use of existing infrastructure and revitalize the community.

We hope to resolve the offsite issue as soon as possible and begin construction in the spring.

Sincerely,
Bret Korberg

Cc. Tate Bengtson CEO

EXH. G



Kerry Korberg

Brickyard offsite cost Variance

Bret Korberg <kinglis@cityofenderby.com>
To: Kerry Korberg <kerry.korberg@cityofenderby.com>

Fri, Dec 15, 2023 at 7:48 PM

----- Forwarded message -----

From: <kinglis@cityofenderby.com>

Date: Fri, Dec 15, 2023, 2:05 p.m.

Subject: RE: Brickyard offsite cost Variance

To: Bret Korberg

<tbengtson@cityofenderby.com>

Hi Bret,

To clarify a few points from your previous email:

- The requirement to construct Brickyard Road to centreline requirement was clearly outlined in Preliminary Non-Approval letter dated March 2, 2022 which was addressed to Jaeden Korberg and Kerry Korberg; the authority for the City to require this as a condition of subdivision is clearly outlined in Section 506 of the *Local Government Act*.
- Yes, I advised Kerry that he and Jaeden could seek a variance from Council to request that this particular requirement be waived or amended; however, I did not state nor imply that this variance would be supported by Staff, nor approved by Council.
- The Council agenda which included the Staff Report associated with the DVP application (which included my recommendations to Council) was made publicly available well in advance of the Council meeting where the application was considered.

Moving forward, please be advised that if you wish to submit an additional Development Variance Permit application, our next available Council meeting is January 18, 2024. If you want to meet the deadline for that meeting, you will need to submit your application no later than end of the day Tuesday December 19, 2023.

Regards,

Kurt Inglis, MCIP, RPP

Planner

City of Enderby

P.O. Box 400, 619 Cliff Avenue

Enderby BC, V0E 1V0

Telephone: 250-838-7230 | Fax 250-838-6007

Email: kinglis@cityofenderby.com | Website: cityofenderby.com

SUBDIVISION SERVICING AND DEVELOPMENT BYLAW

Section 2.0 of Schedule "A" of the Subdivision Servicing and Development Bylaw requires the dedication and construction of local roads adjacent to residential properties proposed for subdivision, in accordance with Design, Materials, and Installation standards outlined in Section 2.0 of Schedule "A" of the Bylaw. Sections 6.0 and 7.0 of Schedules "A" and "B" of the Bylaw require the provision of ornamental street lighting and underground wiring for power, telephone and cablevision.

Section 4.0 of Schedule "A" and Schedule "B" of the Bylaw require properties zoned Residential Multi-Family Medium Intensity (R.3) to be connected to the community sanitary sewer system, while Section 5.0. of Schedule "A" and Schedule "B" of the Bylaw requires the design and construction of a storm drainage system as part of a proposed subdivision.

The applicant is seeking variances to the following Sections of the Subdivision Servicing and Development Bylaw No. 1278, 2000 as part of the proposed subdivision:

- Section 2.0 of Schedule "A" by not requiring Brickyard Road adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards;
- Section 2.0 of Schedule "A" by not requiring Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards;
- Section 4.0 of Schedule "A" and Schedule "B" by not requiring a direct connection to the community sanitary sewer system for the proposed lot with the existing single-family dwelling;
- Section 5.0 of Schedule "A" and Schedule "B" by deferring the requirement to design and construct a storm drainage system to a future subdivision or Building Permit stage;
- Section 6.0 of Schedule "A" by not requiring the provision of ornamental street lighting; and
- Section 7.0 of Schedule "A" by not requiring the provision of underground wiring for power, telephone and cablevision.

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan 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.

REFERRAL COMMENTS:

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

The following comments were received in response to the referral:

Public Works Manager

"Given the nature of the development, the following variances should not be supported, or only supported subject to certain conditions being met:

Reconstructing Brickyard Road to centreline adjacent to the subject property should not be waived, but rather cash in lieu should be collected so that this can be contributed towards future road and service upgrades.

Not requiring a direct connection to the community sanitary sewer system for the future lot with the existing single-family dwelling on it should only be varied conditional upon the owner demonstrating and constructing an alternate sanitary sewer servicing solution, acceptable to the City of Enderby and its Approving Officer, which is properly and lawfully secured on title such that it runs with the land, in order to allow for an indirect connection to the community sanitary sewer service to be constructed, maintained, and renewed. For clarity, this would be a private line through another private parcel, and the City would not be responsible for the ownership, maintenance, or renewal of this alternate sanitary sewer servicing solution.

The subdivision should not be approved until the alternate sanitary sewer servicing solution is accepted by the City and its Approving Officer, the necessary agreements are registered on title, and either (a) the accepted alternate sanitary servicing solution is constructed through the new multi-family parcel prior to subdivision approval; or (b) a covenant is registered against the new multi-family

parcel restricting the issuance of a building permit until such time as the accepted alternate sanitary solution has been constructed.

The variance should clearly state that the waiving of a direct connection to the community sanitary sewer system in no way implies or permits a holding tank or sewerage system under the Sewerage System Regulation of the Public Health Act as an acceptable alternate servicing solution for sanitary waste.

With respect to designing and constructing a storm drainage system, it is appropriate to defer this until subdivision or potentially building permit, as we will not know the density and area of impermeable surfaces until that time. The developers should be made aware of the fact that there is no storm collection system in this vicinity and, as a result, drainage will need to be managed on-site.

With respect to undergrounding the overhead wiring and adding ornamental lights, these are not necessary given the infrastructure context of the surrounding neighbourhood."

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

PLANNING ANALYSIS:

Minimum Lot Area for Adult Retirement Housing

The City of Enderby Planner raises no objections to the applicant's request to vary Section 604.6.e of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum lot area for adult retirement housing from 1,900 m² (20,452 square feet) to 1,461 m² (15,727 square feet), as shown on the attached Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit given that the proposed Remainder Lot is a large, flat lot that has significant development potential, and without a variance to reduce the minimum lot area for a more intensive residential land use, the highest intensity residential use that could occur on the property would be a four-family dwelling; by reducing the minimum lot area for adult retirement housing, this will enable the property to be used in a manner that maximizes its development potential.

Rear Yard Setback for Single Family Dwelling

The City of Enderby Planner raises no objections to the applicant's request to vary Section 604.10.d by reducing the minimum rear yard setback area for a single family dwelling from 6 m (19.68 feet) to 2.97 m (9.75 feet), as shown on the attached Schedule 'A'. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit given that the reduced setback would only impact the proposed Remainder Lot, which is currently undeveloped. Should the proposed subdivision be approved, and the Remainder Lot is subsequently developed, any future purchaser would have been aware of the reduced setback for the single family dwelling on the adjacent new lot, prior to purchase.

Reduced Lot Frontage

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

- Vary Section 1101.c.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum lot frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9 m (29.53 feet), as shown on the attached Schedule 'A'; and
- Receive an exemption to Section 604.8 and 1101.1.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by, i) reducing the minimum lot frontage for a single family dwelling from 12 m (39.37 feet) to 9 m (29.53 feet) for the proposed new lot, ii) reducing the minimum lot frontage for adult retirement housing from 35 m (114.8 feet) to 17.93 m (58.83 feet) for the proposed Remainder Lot, and iii) permitting a frontage to be less than one-tenth the perimeter of the parcel for the proposed new lot and Remainder Lot, as shown on the attached Schedule 'A',

and upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit and lot frontage exemption for the following reasons:

- The proposed variance and lot frontage exemption would enable the proposed subdivision, such that the existing single family dwelling could be maintained while still allowing for a more intensive residential land use to occur on the proposed Remainder Lot;
- It is anticipated that the proposed frontages of 9 m (29.53) for the new lot with the single family dwelling, and 17.93 m (58.83 feet) for the proposed Remainder Lot that is to be used for adult retirement housing, are sufficient to be able to accommodate the anticipated traffic and access demands associated with sites, especially given that the Brickyard Road corridor is straight and provides clear sight lines for vehicles gaining ingress and egress to the road; and
- It is not anticipated that the proposed variance and lot frontage exemption would negatively impact the use and enjoyment of the subject and surrounding properties.

Road Dedication and Construction to Centreline

The City of Enderby Planner raises no objections to the applicant's request to vary Section 2.0 of Schedule "A" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Brickyard Road adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit given that the existing road dedication along Brickyard Road is sufficient to accommodate the road standard, and no additional dedication is necessary.

However, the City of Enderby Planner has concerns with the applicant's request to vary Section 2.0 of Schedule "A" by not requiring Brickyard Road adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards. The proposed development has the potential to add a significant amount of density to the property, thus increasing the amount of traffic and wear-and-tear to Brickyard Road; given this, Staff feel that it is appropriate for the applicant to contribute towards the

construction of Brickyard Road to the centreline of the road, which would likely be collected as a cash-in-lieu payment that would be directed towards a future renewal of the road. For those reasons, it is recommended that Council not support this variance request.

Indirect Connection to Community Sanitary Sewer System

Consistent with the referral comments from the City of Enderby Public Works Manager, the City of Enderby Planner recommends that Council support the applicant's request to vary Section 4.0 of Schedule "A" and Schedule "B" of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring a direct connection to the community sanitary sewer system for the proposed lot with the existing single-family dwelling, subject to the owner demonstrating and constructing an alternate sanitary sewer servicing solution, acceptable to the City of Enderby and its Approving Officer, which is properly and lawfully secured on title such that it runs with the land, in order to allow for an indirect connection to the community sanitary sewer service to be constructed, maintained, and renewed. As previously mentioned by the City's Public Works Manager, this arrangement would be a private line through another private parcel, and the City would not be responsible for the ownership, maintenance, or renewal of this alternate sanitary sewer servicing solution. It is recommended that Council makes explicit that the waiving of a direct connection to the community sanitary sewer system in no way implies or permits a holding tank or sewerage system under the *Sewerage System Regulation of the Public Health Act* as an acceptable alternate servicing solution for sanitary waste.

Defer Design and Construction of Storm Drainage System

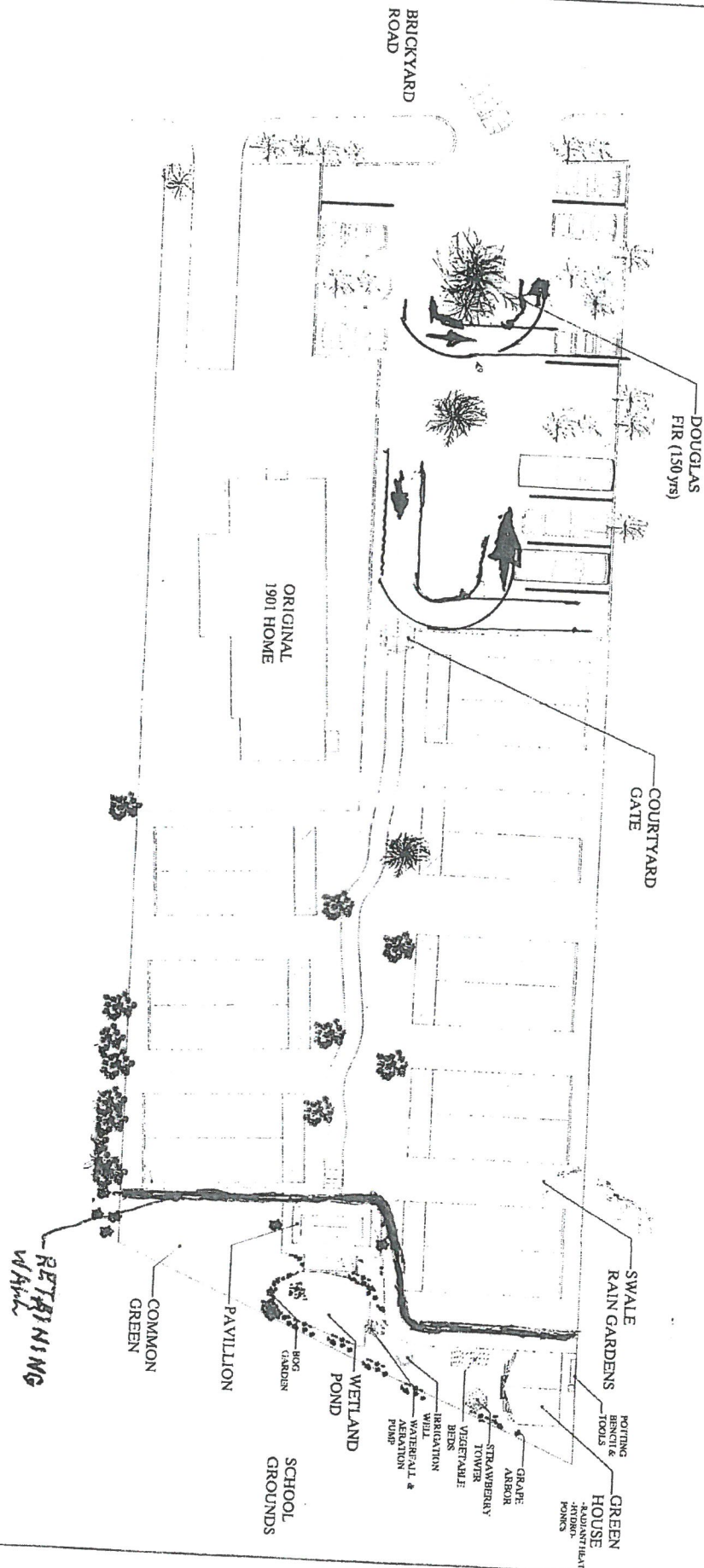
The City of Enderby Planner raises no objections to the applicant's request to vary Section 5.0 of Schedule "A" and Schedule "B" of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by deferring the requirement to design and construct a storm drainage system to a future subdivision or Building Permit stage. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of a Development Variance Permit given that the density and degree of impermeable surfaces associated with a future adult retirement housing development are not known at this time; Staff feel that it is appropriate to defer the requirement to design and construct a storm drainage system until a future subdivision or Building Permit application process.

Provision of Ornamental Street Lighting and Underground Wiring

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

- There is no ornamental street lighting along the Brickyard Road corridor and the existing street lights affixed to hydro poles along Brickyard Road provide sufficient light to accommodate the needs of traffic in that area, such that additional lighting is not necessary; and

EXH. I



NORTH

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1781

A BYLAW TO AUTHORIZE THE BORROWING OF THE ESTIMATED COST OF THE BARNES
PARK OUTDOOR POOL REPLACEMENT

WHEREAS it is deemed desirable and expedient to replace the outdoor pool at Barnes Park;

AND WHEREAS the estimated cost to replace the outdoor pool at Barnes Park including expenses incidental thereto is the sum of Seven Million Nine Hundred Forty Thousand Dollars (\$7,940,000), of which the sum of One Million Dollars (\$1,000,000) is the amount of debt intended to be borrowed by this bylaw;

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

- 1) Council is hereby empowered and authorized to undertake and carry out or cause to be carried out the replacement of the Barnes Park outdoor pool generally in accordance with general plans on file in the municipal office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Municipality a sum not exceeding One Million Dollars (\$1,000,000).
 - b) to acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the replacement of the Barnes Park outdoor pool.
- 2) The maximum term for which debentures may be issued to secure the debt created by this bylaw is twenty (20) years.
- 3) This bylaw may be cited as "Barnes Park Outdoor Pool Loan Authorization Bylaw No. 1781, 2023".

READ a FIRST time this 6th day of November, 2023.

READ a SECOND time this 6th day of November, 2023.

READ a THIRD time this 6th day of November, 2023.

RECEIVED the approval of the Inspector of Municipalities this 15th day of December, 2023.

ADOPTED this ____ day of _____, ____.

Approval of the electors for the Loan Authorization Bylaw is not required under section 180 of the *Community Charter* as the liability is within the approval-free liability zone determined in accordance with section 7 of the *Municipal Liabilities Regulation* (BC Reg. 254-2004).

MAYOR

CORPORATE OFFICER



Statutory Approval

Under the provisions of section _____ **179**

of the _____ **Community Charter**

I hereby approve Bylaw

No. _____ **1781**

of the _____ **City of Enderby**,

a copy of which is attached hereto.

Dated this 15th day

of December , 2023

A handwritten signature in black ink, appearing to be "J. S.", written over a light gray rectangular background.

Deputy Inspector of Municipalities

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1784

A BYLAW TO NAME A DEDICATED LANEWAY WITHIN THE CITY OF ENDERBY

WHEREAS Section 39 of the *Community Charter* enables local governments to, by bylaw, assign a name to a highway;

AND WHEREAS the City of Enderby wishes to assign a name to a dedicated laneway within the community;

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 Lane Naming Bylaw No. 1784, 2023”.
2. The dedicated laneway running north/south between Regent Avenue and Baird Avenue, as shown bolded in red on the attached Schedule “A”, is hereby named ‘Woods Lane’.

READ a FIRST time this 18th day of December, 2023.

READ a SECOND time this 18th day of December, 2023.

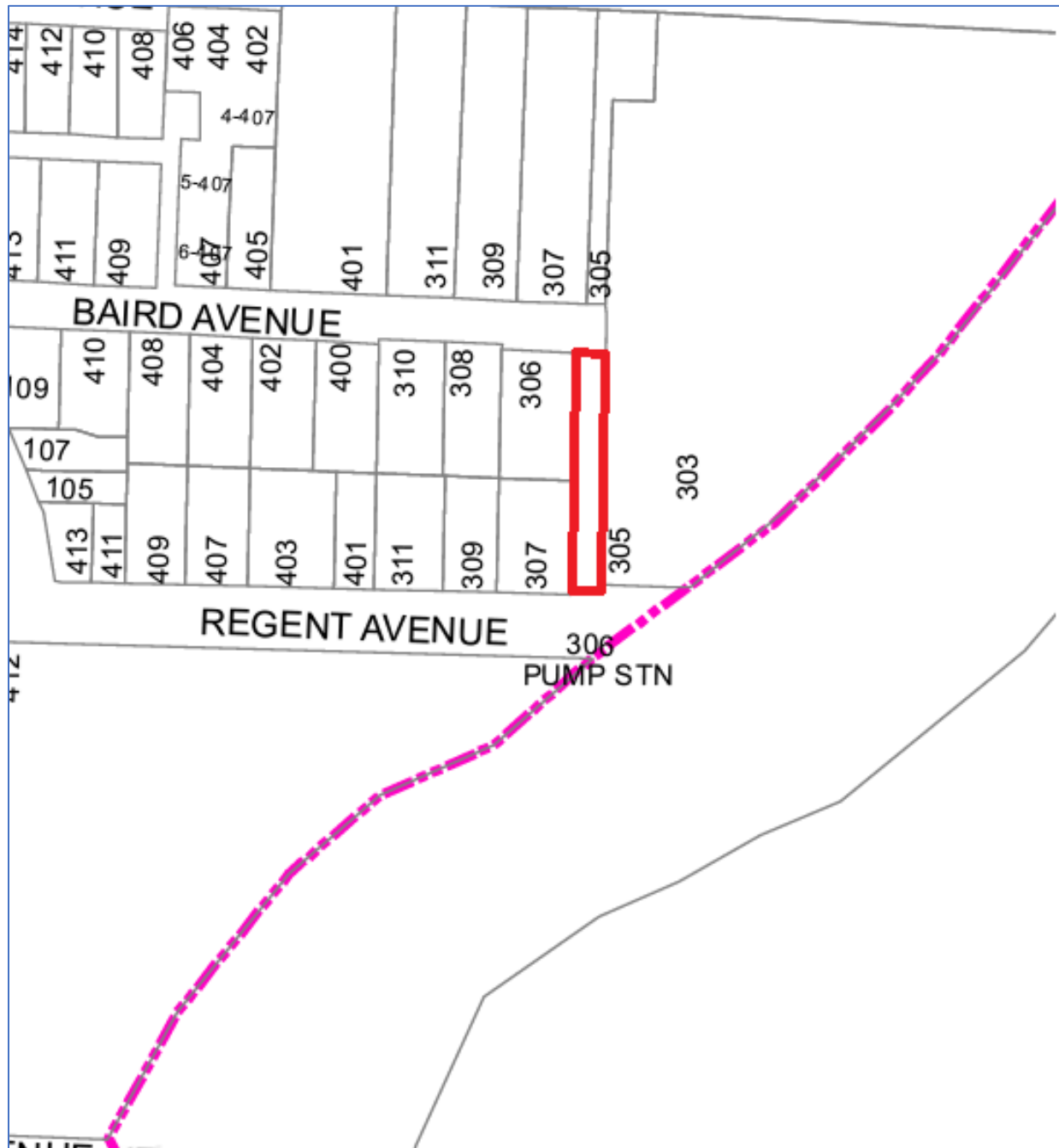
READ a THIRD time this 18th day of December, 2023.

ADOPTED this day of , 2023.

MAYOR

CORPORATE OFFICER

Schedule "A"



Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2023 Month: 12

Folder Type	2023 / 12		2022 / 12		2023 to 12		2022 to 12	
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created
ACCESSORY BUILDING	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	1	0
END - ACCESSORY BUILDING	0	0	0	0	0	8,259	5	0
END - COMMERCIAL BUILDING	0	0	0	3	1	212,400	1	0
END - DEMOLITION	0	0	0	2	0	28,500	1	0
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0
END - MODULAR HOME	0	0	0	0	0	0	0	0
END - MULTI FAMILY DWELLING	0	0	0	1	4	1,300,000	1	2
END - PLUMBING	0	0	0	2	0	50,000	1	0
END - RETAINING WALL	0	0	0	4	0	690,000	1	0
END - SFD W/SUITE	0	0	0	0	16	2,986,000	0	0
END - SIGN	0	0	0	0	5	37,360	0	0
END - SINGLE FAMILY DWELLING	2	0	102,500	14	5	2,358,500	12	4
INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
INSTITUTIONAL	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
OLD PIMS PERMITS	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0
Report Totals	2	0	102,500	0	26	7,671,019	23	6
								3,114,320

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, CAO
From: Jennifer Bellamy, CFO
Date: January 9, 2024
Subject: Events Budget 2024 - Easter

RECOMMENDATION

THAT Council authorizes a \$2,000 expenditure for the 2024 Easter celebrations, with \$1,000 to be funded through sponsorships and the remaining \$1,000 to be funded through revenues from the Riverside RV Park.

BACKGROUND

This year, Easter Sunday falls on March 31, 2024. As the event will occur before the 2024 budget is adopted, staff are seeking preliminary approval for the event budget in order to plan for the community event.

The current budget for the event, excluding the time for the event coordinator, is \$500; however, this estimate was based on an event of a much smaller scale than what occurred in 2023. The 2023 Easter celebration was a successful community event and a budget of \$2,000 is required to have a similar sized event in 2024, of which \$1,000 would be funded through sponsorships and \$1,000 would be funded through revenues from the Riverside RV Park. Note that this budget only covers the expenditures that flow through the City (such as advertising, supplies and some prizes) to support the event. A significant contribution to this event comes from the generous support of our community.

If Council wishes to have a similar sized Easter event as 2023, approval is needed to increase the current event budget from \$500 to \$2,000.

Respectfully submitted,


Jennifer Bellamy
Chief Financial Officer