

REGULAR MEETING OF COUNCIL AGENDA

DATE: April 2, 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: 886 8064 3482
Passcode: 412562*

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 April 2, 2024 Council Meeting agenda be approved as circulated.

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of March 18, 2024

Page 5

THAT the March 18, 2024 Council Meeting minutes be adopted as circulated.

4. DEVELOPMENT MATTERS AND RELATED BYLAWS

4.1 Zoning Text Amendment #0014-24-DVP-END

Page 14

Legal: LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)
DIVISION YALE DISTRICT PLAN EPP115678

Address: 704 Cliff Avenue, Enderby BC

Applicants: Mathew Isabelle

Owners: Champlain Holdings Inc.

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1786, 2024 which proposes to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678 and located at 704 Cliff Avenue, Enderby BC, from 60 units per hectare (24.28 units per acre) to

71.63 units per hectare (28.99 units per acre), in order to increase the number of permitted residential dwelling units for the property from 3 to 4, be given Three Readings and Adoption;

AND FURTHER THAT should Council give Three Readings and Adoption to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1786, 2024, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

4.2

Development Variance Permit #0067-24-DVP-END

Page 31

Legal: LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)
DIVISION YALE DISTRICT PLAN EPP115678
Address: 704 Cliff Avenue, Enderby BC
Applicants: Mathew Isabelle
Owners: Champlain Holdings Inc.

4.2.1 Public Input – Development Variance Permit #0067-24-DVP-END

4.2.2 Permit Issuance – Development Variance Permit #0067-24-DVP-END

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678, and located at 704 Cliff Avenue, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- *Section 309.3.a.i by not requiring a 2 m (6.562 foot) landscaped buffer area along the southern property boundary where it abuts a residential lot, as shown on the attached Schedule 'A';*
- *Section 401.2 by increasing the maximum number of principal buildings on the lot from 1 to 2, as shown on the attached Schedule 'A';*
- *Section 401.3 by reducing the minimum floor area for a two-bedroom dwelling unit from 45 m² (484.4 square feet) to 44.59 m² (480 square feet), as shown on the attached Schedule 'A';*
- *Section 401.3 by permitting the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use to exceed the gross floor area of the commercial use on the first storey level, as shown on the attached Schedule 'A';*
- *Section 401.10.c by reducing the minimum rear yard setback from 6 m (19.68 feet) to 1.5 m (4.92 feet), as shown on the attached Schedule 'A';*

- *Section 401.11.d.iii by permitting dwelling units to be located in a standalone building, as shown on the attached Schedule 'A';*
- *Section 901.2.a by reducing the minimum length for an off-street parking space from 6 m (19.68 feet) to 5.5 m (18.04 feet), as shown on the attached Schedule 'A'; and*
- *Section 901.2.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking from 8 m (26.25 feet) to 7 m (22.97 feet), as shown on the attached Schedule 'A'.*

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678, and located at 704 Cliff Avenue, Enderby BC, to permit a variance to Section 901.3 of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum number of off-street parking spaces from 11 to 9, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement.

5. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

6. BYLAWS

- 6.1 Development Applications Procedures Bylaw No. 1586, 2016 Amendment Bylaw No. 1787, 2024 Page 50
THAT Council adopts The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016 Amendment Bylaw No. 1787, 2024.

7. REPORTS

- 7.1 Mayor and Council Reports
- 7.2 Area F Director Report
- 7.3 Chief Administrative Officer Report
- 7.3.1 Council Inquiries

8. NEW BUSINESS

9. CORRESPONDENCE AND INFORMATION ITEMS

Mayor or Chair will provide an opportunity for any Council member to request that a Correspondence and Information Item be discussed separately.

THAT Council receives and files all Correspondence and Information Items.

- 9.1 Support for Resolution
Correspondence from Sue McKortoff, Mayor, Osoyoos, dated February 29, 2024

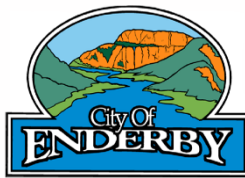
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10. PUBLIC QUESTION PERIOD

11. CLOSED MEETING RESOLUTION

THAT pursuant to Section 92 of the Community Charter, the regular meeting convene In-Camera to deal with matters deemed closed to the public in accordance with Section 90 (1) (k) and (b) and 90 (2) (b) of the Community Charter.

12. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, March 18, 2024 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 Baird
“THAT the March 18, 2024 Council Meeting agenda be approved as circulated.”

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of March 4, 2024

Moved by Councillor Shishido, seconded by Councillor Schreiner
“THAT the March 4, 2024 Council Meeting minutes be adopted as circulated.”

CARRIED

DELEGATIONS

Diane Hutchison, President, and Nik Vischschraper, Vice President, Enderby & District Chamber of Commerce

Ms. Hutchison explained there was a start-up committee formed in 2023 to explore options for a business association and the decision was made to re-establish the Enderby & District Chamber of Commerce.

An AGM was held in February 2024 that elected a board and created a strategic plan for 2024/2025. Ms. Hutchison gave an overview of the Strategic Plan including the Chamber's Vision, Mission, Values, and strategic priorities for the upcoming years. Priorities include:

- Membership / Chamber Development.
- Business Support.
- Networking and Collaboration.

Councillor Schreiner asked what kind of support from the City the Chamber is requesting.

Ms. Hutchison explained that there will be a launch event and membership drive held on April 25th at the Cardiff Miller Art Warehouse. The Chamber is requesting financial support from the City to host this event. There will also be a forthcoming request for ongoing funding from the City, as well as a request to renew an office sharing agreement.

Councillor Schreiner asked if the Chamber will be inheriting the previous Chamber's bank account and if there are financial statements available.

Ms. Hutchison responded that the Chamber will be inheriting the bank account used by the Chamber previously. A budget is being developed and the Chamber has retained Rossworn Henderson as their accountant to help them get caught up on their financial statements.

Chief Administrative Officer explained that Council previously resolved to contribute \$500 to the group for a meeting to explore the feasibility of a business association. This funding was not expended and is available for the launch event.

Councillor Baird suggested that the Chamber should speak with the Planner about putting event information on the community billboard.

Mayor Galbraith asked Mr. Vischschraper if Splatsin is supportive of the Chamber being re-established.

Mr. Vischschraper responded that he could not speak for Splatsin, but the Splatsin business community is in support.

DEVELOPMENT MATTERS AND RELATED BYLAWS

Development Variance Permit #0068-24-DVP-END

The Planner gave an overview of the application.

The applicant, Trent Sismey, thanked staff for their work on the application and Council for their time.

Moved by Councillor Shishido, seconded by Councillor Baird

"THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 9 DISTRICT LOT 226 OSOYOOS DIVISION YALE DISTRICT PLAN 151 EXCEPT: (1) PARCEL A (E10462) (2) PLAN 22948 and located at 247 Brickyard Road, Enderby, to permit variances to the following Sections of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- *Section 4.0 of Schedule "A" and Schedule "B" by not requiring a connection to a community sanitary sewage system for the proposed subdivision as shown on the attached Schedule 'A'; and*
- *Section 4.2.9 of Schedule "A" by permitting an on-site sewage disposal system on a lot less than 2 hectares in size, as shown on the attached Schedule 'A',*

subject to the following conditions:

1. *Any on-site sewage disposal system on the proposed lots must be an approved sewerage system under Part 3 of the Sewerage System Regulation; and*
2. *The property owner must register a covenant on the title of the property which requires that as a condition of any future Building Permit issuance, the owner must provide a sworn affirmation acknowledging that they are aware that:*
 - i. *The issuance of variances does not limit the City's ability to require connection to the City's community sanitary sewer systems in the future, at the property owner's expense; and*
 - ii. *It would be prudent to plumb and pre-service for community sewer on any future buildings of the property, in order to minimize the potential connection costs, if required by the City in the future."*

CARRIED

BYLAWS

Development Applications Procedures Bylaw No. 1586, 2016 Amendment Bylaw No. 1787, 2024

Chief Administrative Officer explained that under a certain set of circumstances, Bill 44 prohibits public hearings being held. In the absence of a public hearing, staff are proposing to still notify adjacent land owners and request written submissions that will be read out during the regular meeting, so that Council may still consider the representations of affected properties without the proceeding becoming a public hearing.

Moved by Councillor Baird, seconded by Councillor Shishido

"THAT Council receives and files the memo titled Bill 44 – Update to Development Applications Procedures Bylaw dated March 14, 2024;

AND THAT Council gives Three Readings to The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016 Amendment Bylaw No. 1787, 2024."

CARRIED

REPORTS

Mayor and Council Reports

Councillor Shishido

Attended an Enderby & District Museum Society meeting and reported that sales of the History of Enderby book are going well. Also reported that the Museum Society was pleased with Council's decision to contribute to the restoration of Enderby's first fire truck and that they are working to have it roadworthy to participate in the next Christmas Parade.

The next Enderby & District Museum Society meeting will take place on April 15th.

Listened to an interview on CBC with Mayor Galbraith about Hockeyville and gave kudos for how the interview was handled.

Councillor Davyduke

Reported that the Enterprize Challenge hosted by Community Futures has 20 participants this year and the final showcase will take place on May 9th at the Performing Arts Centre in Vernon.

Community Futures is also hosting workshops for business owners and entrepreneurs in April including a human resources workshop on hiring, training, and retaining staff, and a Business Model Canvas workshop to help build or adjust business plans.

Councillor Yerhoff

Attended a FACT meeting and reported that things are going well.

The WorkBC Job Fair was well attended and there will be a Get Connected event held at the Seniors Centre on May 7th.

Reported that it is great to see so much excitement from the community for both Hockeyville and the upcoming Easter event.

Councillor Schreiner

Councillor Schreiner reported that there have been wildfire detectors installed within the RDNO and asked for some information on if the Enderby area may be a candidate for this technology.

Chief Administrative Officer responded that he will obtain information and advance it to Council.

Councillor Schreiner reported that Dianne Hutchison has been recommended to be appointed to the Advisory Planning Commission for Area F.

Reported that road line paint at some of the Rail Trail crossings is fading and that there have been ongoing issues with people not picking up after their dogs on the trail.

Chief Administrative Officer responded that he will reach out to RDNO and follow up on the need for more dog waste bags and garbage cans along the trail. Line painting of the Rail Trail crossings will be completed at the same time as throughout the City. RDNO will make a determination as to which crossings need to be repainted. This will occur after street sweeping is complete.

Councillor Ramey

Spoke to the editor of the Penticton Herald who will include information about voting for Enderby for Hockeyville in that publication.

Councillor Baird

Planning for the Easter event is going well.

Attended the WorkBC Job Fair.

Reported that the Good Food Box program is going well and the contact for the program is Vallerie Byrne.

Has been reaching out to other communities regarding Hockeyville.

Mayor Galbraith

Has given a few interviews regarding Hockeyville and has been working on promoting the community in the contest.

Chief Administrative Officer

Street sweeping is scheduled for March 29th and spring pruning curbside pickup is planned for Sunday, April 21st. Line painting will be scheduled after street sweeping.

Reported that the new pool project is moving into the design development stage. There will be a site meeting with the construction manager later this week. The Class D Cost Estimate is expected within the next two weeks.

Russell Avenue reconstruction detailed design should be finalized this week, then the project will go out to tender.

The gazebo concession services contract has closed. The contract will be awarded this week.

The command/utility fire truck quote opportunity has now closed. 4 bids were received, and staff are evaluating each.

Planning for Easter is under way with the Events Coordinator and is going well so far. The official web page with the complete itinerary will be released shortly.

A few members of Council have advised as to rumors of a closure of the Kault Hill area of Highway 1, which would significantly impact traffic through Enderby. Chief Administrative Officer reported that he has been in touch with the Ministry of Transportation, and they advise that there is no planned closure at Kault Hill, but there is a closure already in place for the Tappen Valley bridge replacement, which is not expected to have a significant traffic impact upon Enderby.

Announced that the City was largely successful on its Vision Zero grant towards the purchase of two traffic calming devices – a portable “stealth” radar unit to collect critical “real world” traffic data as well as a portable speed sign that helps to remind drivers of the speed limit and their travel speed. These will both help to enhance traffic and pedestrian safety in our community and enable us to collect better data to improve our decision making. Thanked the Planner for his initiative in making this grant application.

Acknowledged one of the City’s Parks Department members, Peter van Iperen, who retired on Friday. His service was appreciated and he has played an important role recently, as acting lead hand. In this role, he was instrumental to coordinating for the arena repairs that are under way

and, as well, he has helped to pull together cost estimates on the larger age-related repairs that need to be completed in accordance with the arena's condition assessment, but which will require significant grants. With his help, these larger capital items have been moved closer to being shovel-ready, which makes them more attractive to grantors.

Councillor Ramey asked for a status update on Arena repairs.

Chief Administrative Officer reported that the corroded header has been removed and the next step will be to pressure test the brine lines to see if the brine leak can be detected.

Councillor Ramey asked why the Rail Trail hasn't been completed to the road at the south end of town. Noted that if it were, a person could walk a loop instead of just out to the closure and back.

Chief Administrative Officer responded that he believes the construction was ended at the current location because of funding available for the construction of the test section, and that it would be resumed as part of the larger grant for completing the entire trail.

Councillor Ramey noted that the stairs in Riverside Park were discussed by the Enderby & District Arts Council as a possible location for public art. Asked if this might be a possibility.

Chief Administrative Officer responded that the area has had some issues with vandalism due to a lack of ability to view the area, but that it would be great to have public art there.

Councillor Shishido asked about a meeting with School District 83 about shared facilities.

Chief Administrative Officer responded that there will be a meeting regarding the joint use of recreation spaces upcoming.

RDNO Building Permit Report – February 2024

Moved by Councillor Baird, seconded by Councillor Ramey

"THAT the RDNO Building Permit Report – February 2024 be received and filed"

CARRIED

NEW BUSINESS

Hockeyville Campaign Discussion

Kaylee Wells and Sheryl Hay, Recreation Services gave an overview of everything they have been working on so far for the Hockeyville Campaign.

Some of the work already completed includes:

- How to Vote videos and posters.
- Business radio ads from Total Restoration and Double Barrell have been changed to highlight Enderby for Hockeyville.
- There will be announcements made at the Vernon Vipers, Salmon Arm Silverbacks, and Coy Cup games during voting weekend.
- Highway signs in Grindrod and Enderby have been changed.
- Posters are being distributed to businesses.
- Recreation Services has challenged businesses in Enderby to decorate their windows.

- Mayor Galbraith did an interview for CBC.
- Kaylee Wells will be doing an interview with Bounce Radio.
- Kaylee Wells and Councillor Shishido will be presenting to Vernon City Council on March 25th.

Ms. Wells reported that on March 29th voting will open at 6 a.m. and there will be volunteers from A.L. Fortune with signs on the highway to remind people to vote. There will also be a voting party at the Splatsin Daycare and the Legion will be open to help people vote.

On March 30th from 1:30-3:30 p.m. there will be road hockey and hot dogs at the Enderby Arena. Voting closes at 2:00 p.m.. At 3:30 p.m. watch parties for Hockey Night in Canada begin at the Arena and Curling Club and the winner will be announced during the first intermission.

Councillor Ramey suggested that movie theatres may be willing to play a message before showing films.

Angie Clowry, Team Leader from Lumby for Kraft Hockeyville 2016 noted that in Lumby, window markers were distributed to help businesses decorate their windows. Ms. Clowry spoke to the importance of social media in getting the word out to vote for Enderby and explained that she has been working to get as many people as possible lined up to make videos stating that they are voting for Enderby to be posted next week.

Councillor Schreiner asked how the NHL pre-season game ticket sale worked when Lumby won in 2016.

Ms. Clowry explained that there was a ticket lottery that community members could sign up for to win a chance go to either the pre-game show or the game itself. She explained that Kraft and the NHL were excellent to work with.

Dog Park Survey Results

Councillor Ramey stated that he believes there is sufficient support from the community to continue down the path of developing a dog park. Reported that there was a great number of responses to the survey and that respondents were largely in support of the concept.

Mayor Galbraith noted that the response from Area F residents was great and generally in support of the concept. Suggested that there may be land outside of the City of Enderby that might work well for a dog park.

Councillor Ramey noted that many people already exercise their dogs at Riverside Park and that it would be a good place for a dog park.

Chief Administrative Officer explained that Riverside Park is under the control of the Enderby & District Services Commission who have postponed discussion on the use of the open space in the southeast corner of Riverside Park until the release of the Area F Master Parks Plan. Noted that the next Commission meeting will be held in May and that these survey results could be referred to the Commission and asked to be taken under consideration in this decision making.

Councillor Shishido explained that in light of the survey responses, and recent land use analysis, he doesn't believe there is a space in the City of Enderby large enough to create a dog

park that will be useful for the community. Also expressed concerns about the costs of developing and operating the park and the impact to the taxpayers.

Councillor Ramey responded that the cost of developing and operating the park would be relatively small and that there may be community groups who would help to fund the project. Explained that in Chase, the Lions Club paid for the construction of their dog park in full.

Councillor Davyduke noted that it was great to see such a large response from the community to this survey. Asked if the best location for a dog park was close by, but outside of the City, what would next steps be.

Chief Administrative Officer responded that the survey results could be referred to Area F and to Splatasin to see if they are interested in having a conversation about the initiative.

Councillor Shishido voiced concerns that this project should be talked about in the greater context of strategic planning and that it should not be taking staff time until after it has been prioritized in the strategic plan.

Chief Administrative Officer explained that if Council decides to support the development of a dog park in principle, it will be discussed during strategic planning and prioritized.

Councillor Ramey suggested the land on Meadow Crescent owned by the Evangelical Chapel should be considered.

Moved by Councillor Shishido, seconded by Councillor Davyduke
“THAT Council receives and files the dog park survey results.”

CARRIED

Moved by Councillor Schriener, seconded by Councillor Ramey
“THAT Council supports in principle the process of developing a dog park, subject to available lands and budget.”

CARRIED

Moved by Councillor Ramey, seconded by Councillor Baird
“THAT the results of the Dog Park Survey be referred to Area F, Splatasin, and the Enderby & District Services Commission.”

CARRIED

Moved by Councillor Ramey, seconded by Councillor Baird
“THAT Council postpones discussion of the service level of the proposed dog park until Staff reaches out to the Evangelical Chapel and reports back on the availability of the Meadow Crescent Property.”

CARRIED

CORRESPONDENCE AND INFORMATION ITEMS

Moved by Councillor Baird, seconded by Councillor Shishido
“THAT Council receives and files the correspondence and information items titled:

- *Support for Bill-34 dated March 7, 2024.”*

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public.

ADJOURNMENT

Moved by Councillor Baird, seconded by Councillor Ramey
“THAT the regular meeting of March 18, 2024 adjourn at 6:31 p.m.”

CARRIED

MAYOR

CORPORATE OFFICER

**CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION**

AGENDA

File No.: 0014-24-DVP-END

March 26, 2024

APPLICANT:	Mathew Isabelle
OWNER:	Champlain Holdings Inc.
LEGAL DESCRIPTION:	LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678
P.I.D #:	031-940-846
CIVIC ADDRESS:	704 Cliff Avenue, Enderby BC
PROPERTY SIZE:	558.4 m ² (6,011 square feet)
ZONING:	General Commercial (C.1)
O.C.P DESIGNATION:	General Commercial
PROPOSED TEXT AMENDMENT:	Increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 71.63 units per hectare (28.99 units per acre), in order to increase the number of permitted residential dwelling units for the property from 3 to 4

RECOMMENDATION:

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1786, 2024 which proposes to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678 and located at 704 Cliff Avenue, Enderby BC, from 60 units per hectare (24.28 units per acre) to 71.63 units per hectare (28.99 units per acre), in order to increase the number of permitted residential dwelling units for the property from 3 to 4, be given Three Readings and Adoption;

AND FURTHER THAT should Council give Three Readings and Adoption to City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1786, 2024, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

BACKGROUND:

This report relates to a Zoning Text Amendment application for the property located at 704 Cliff Avenue, Enderby BC. As part of a proposed mixed-use development at 704 Cliff Avenue, Enderby BC, consisting of a two-storey commercial building and a two-storey residential four-plex, the applicant is requesting to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 71.63 units per hectare (28.99 units per acre), in order to increase the number of permitted residential dwelling units for the property from 3 to 4.

Site Context

The 558.4 m² (6,011 square foot) property is located on the south side of Cliff Avenue. The property is flat and does not have any improvements on it. The lot was created through a boundary lot adjustment subdivision which was completed in 2023. The property is not connected to the City's community water, sanitary sewer or storm drainage systems. A restrictive covenant is registered on the title of the property which prevents any development on the property until such time as it is connected to the City's community water, sanitary sewer and storm drainage systems.

The subject property and properties to the east, north and west are all zoned General Commercial (C.1) and are designated as General Commercial in the Official Community Plan (OCP), while the properties to the south are zoned Residential Single Family (R.1-A) and Residential Multi-Family Low Intensity (R.3-A) and are designated as Residential Low Density and Residential Medium Density in the OCP, respectively.

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

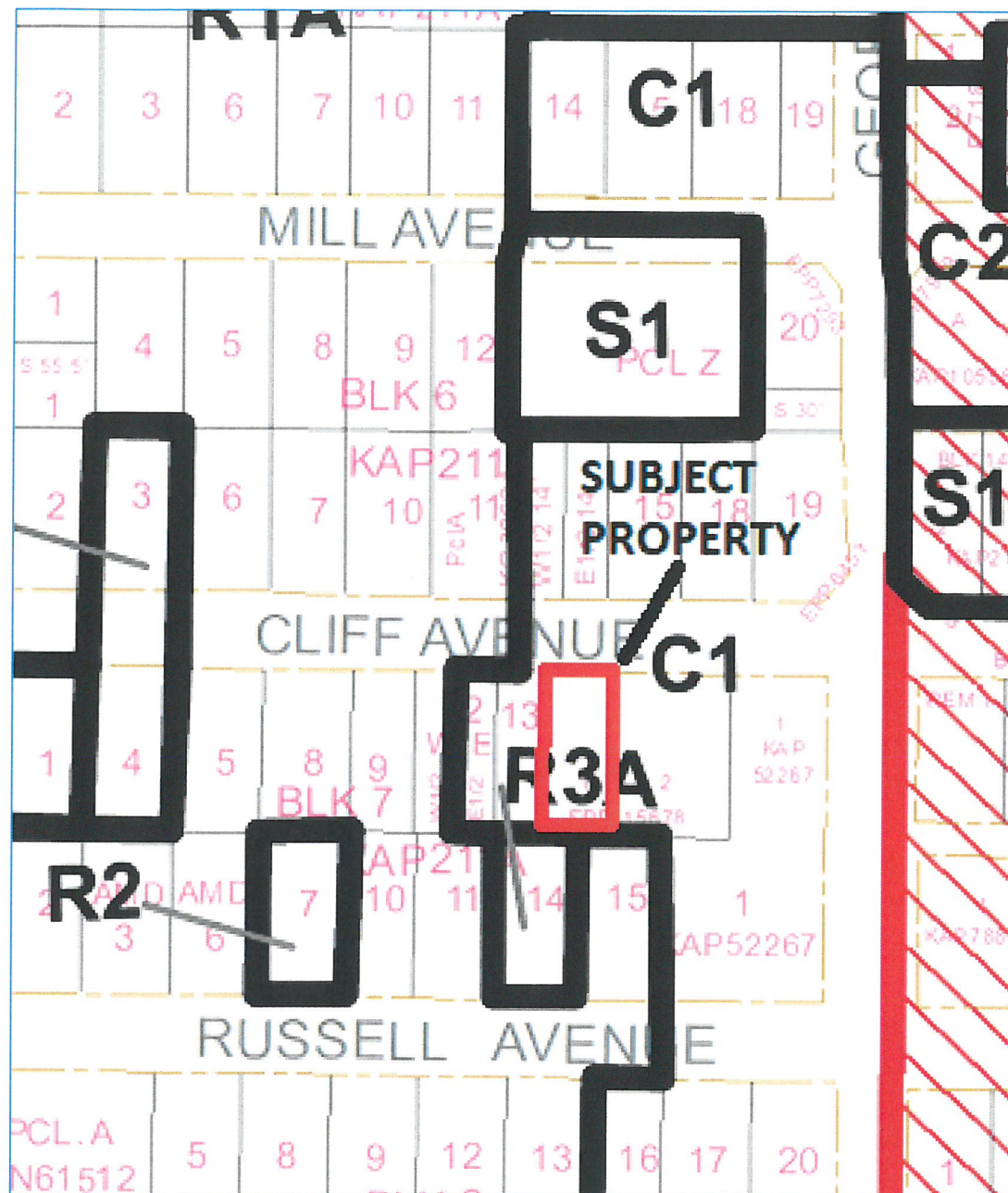


Figure 1: Zoning Map

- C.1 – General Commercial
- R.1-A – Residential Single Family
- R.2 – Residential Two Family
- R.3-A – Residential Multi-Family Low Intensity
- S.1 – Assembly, Civic and Public Service Use

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



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 a mixed-use development on the property, consisting of a two-storey commercial building on the northern portion of the property and a two-storey residential four-plex on the southern portion of the property, as shown on the attached Schedule 'A'. The commercial building will have one commercial unit on the first storey level and one commercial unit on the second storey level, with both units proposed to be used for office space. The residential four-plex will have two dwelling units on the first storey and two dwelling units on the second storey. The central portion of the property is proposed as a parking area consisting of 9 right-angle off-street parking spaces and a maneuvering aisle.

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

Section 401.11.d.v of the Zoning Bylaw states that dwelling units within the C.1 zone shall not exceed a gross density of 60 units per hectare (24.28 units per acre). Given the subject property's lot area of 0.056 hectares (0.138 acres/558.4 m²), the proposed 4 residential dwelling units would give the property a gross density of 71.68 units/hectare (28.99 units/acre) which exceeds the maximum for the C.1 zone. Given this, the applicant is proposing to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 71.68 units/hectare (28.99 units/acre), which would increase the number of permitted residential dwelling units from 3 to 4.

***It should be noted that there are certain elements of the applicant's proposed development, as shown on the attached Schedule 'A', which are not consistent with the City of Enderby Zoning Bylaw No. 1550, 2014, which will be addressed through a separate Development Variance Permit application.

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.b - Council will review land use bylaws and policy in support of mixed uses in commercial, industrial and growth areas aimed at strengthening the existing business sector and attracting new business and industry.

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 for comment to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief. No comments of concern were received.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 71.63 units per hectare (28.99 units per acre), in order to increase the number of permitted residential dwelling units from 3 to 4. It is recommended that Council support the application for the following reasons:

- The proposal would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
 - More efficient use of land by increasing the ratio of improvement-to-land values;
 - Reducing pressures related to greenfield development and boundary expansion which in turn facilitates urban containment and rural protection;
 - Focusing future growth within developed areas of the community in order to maximize the value of existing infrastructure; and
 - Adding residential capacity without encroaching upon rural or environmentally sensitive areas.
- The proposal would further promote the downtown as a mixed-use area with a residential population that supports downtown businesses and aids in natural surveillance through 'eyes on the street';
- The proposal would foster additional rental housing within the community, which is identified as a key need in the City's Housing Needs Assessment Report; and
- It is not anticipated that permitting a fourth dwelling unit on the property would negatively impact the use and enjoyment of the subject or surrounding properties.

***It should be noted that the provincial legislature enacted Bill 44 – 2023 *Housing Statutes (Residential Development) Amendment Act, 2023* on November 30, 2023. Bill 44 is aimed at creating more housing throughout the province. The legislation establishes circumstances in which local governments would be prohibited from holding public hearings; this includes prohibiting public hearings for proposed Zoning Bylaw amendments where:

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw,
- b) the bylaw is consistent with the official community plan,
- c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Given that the proposed Zoning Text Amendment Bylaw associated with this development satisfies the conditions described above, the City is prohibited from holding a public hearing for the Bylaw. In accordance with the legislative requirements, notice has been provided, prior to a potential first reading of the bylaw, advising that a public hearing is not being held, in accordance with Section 467 of the *Local Government Act* and the requirements of the City of Enderby Public Notice Bylaw No. 1770, 2023.

SUMMARY

This report relates to a Zoning Text Amendment application for the property located at 704 Cliff Avenue, Enderby BC. As part of a proposed mixed-use development at 704 Cliff Avenue, Enderby BC, consisting of a two-storey commercial building and a two-storey residential four-plex, the applicant is requesting to amend the text of City of Enderby Zoning Bylaw No. 1550, 2014 to increase the maximum permitted gross density for the property from 60 units per hectare (24.28 units per acre) to 71.63 units per hectare

(28.99 units per acre), in order to increase the number of permitted residential dwelling units for the property from 3 to 4.

The City of Enderby Planner is recommending that Council give Three Readings and Adoption to the associated Zoning Text Amendment Bylaw.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

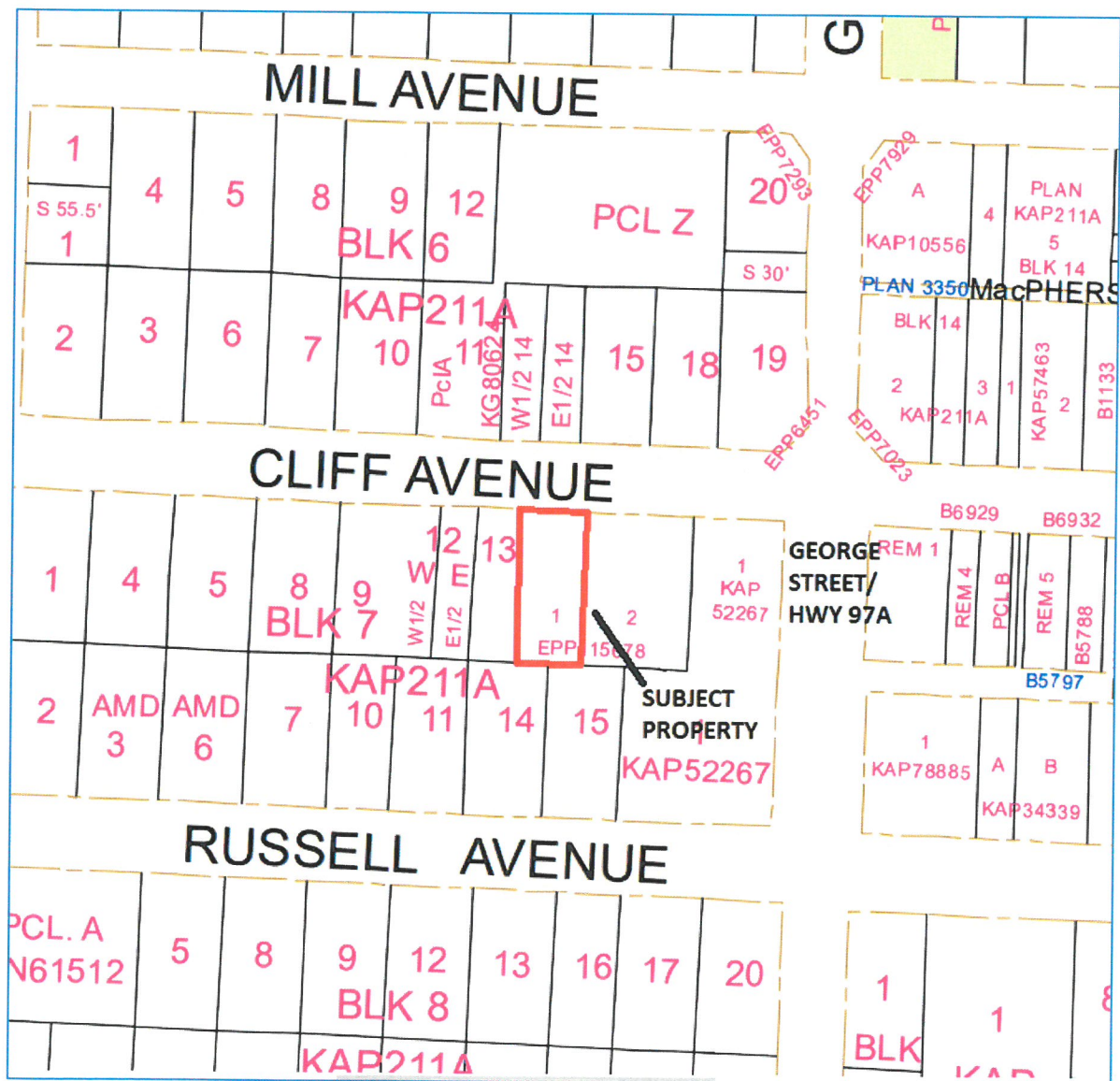
Reviewed By:



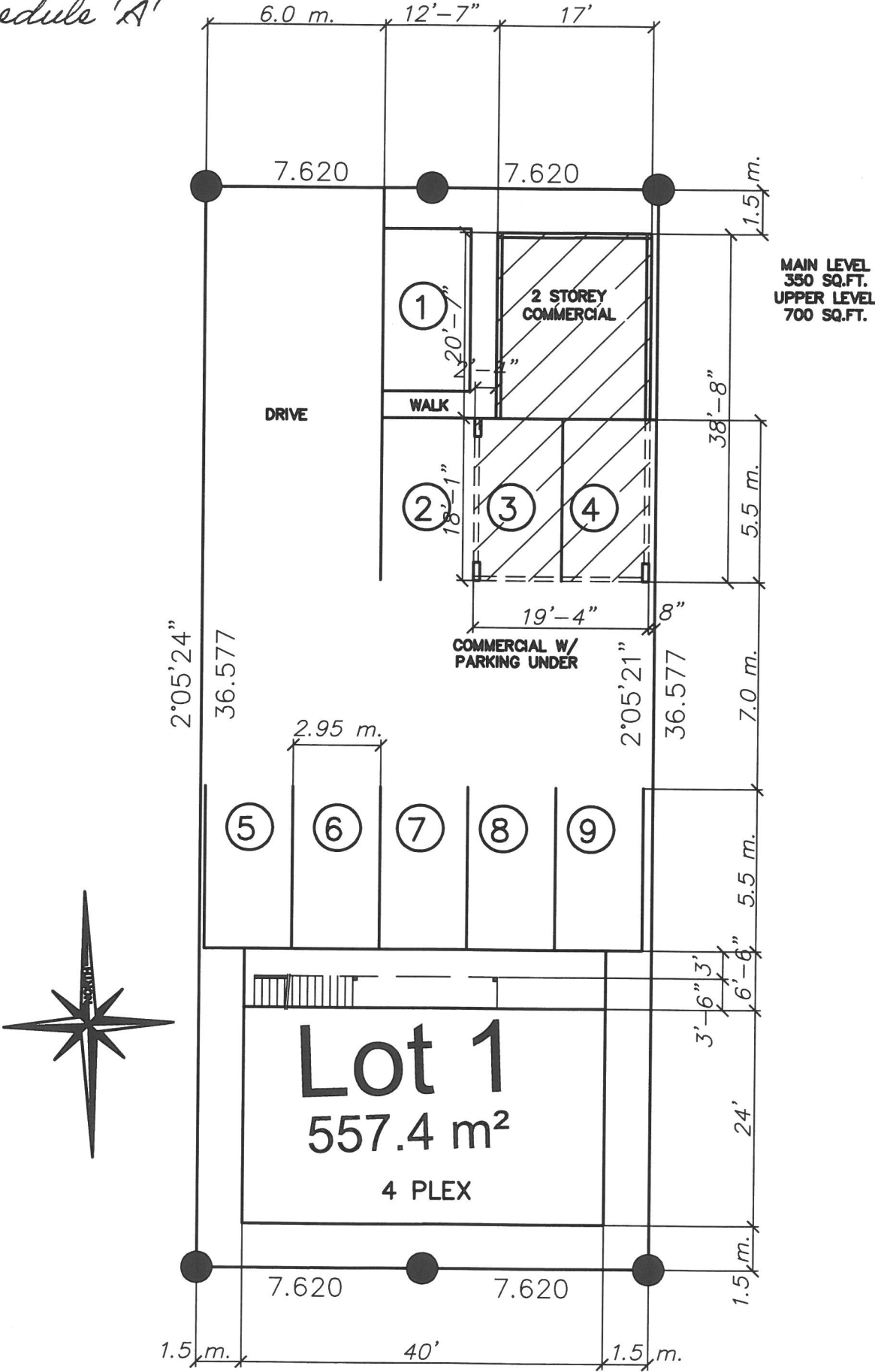
Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

File: 0014-24-ZTA-END (Isabelle)
Applicant: Mathew Isabelle
Owner: Champlain Holdings Inc.
Location: 704 Cliff Avenue, Enderby BC



Schedule 'A'





JENISH HOUSE DESIGN LIMITED

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201-1658 COMMENCE AVE
KELOWNA, B.C. V1Y 6A8
(236) 426-3346
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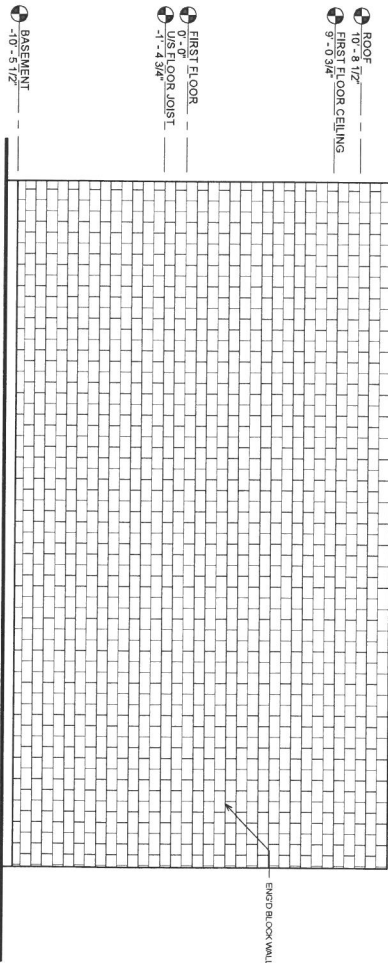
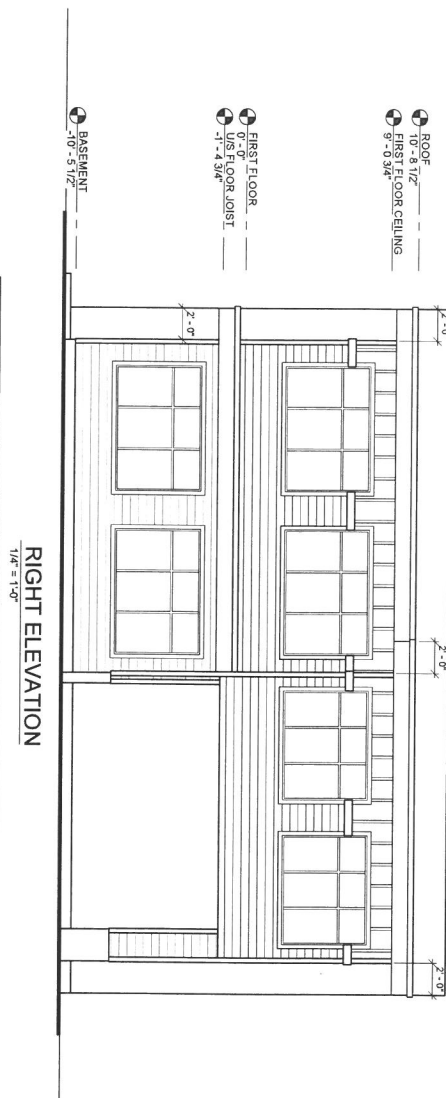
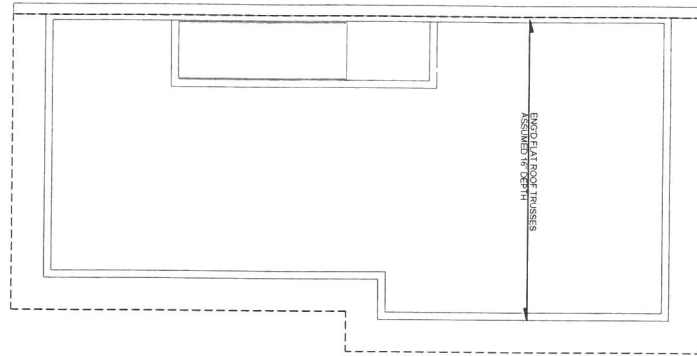
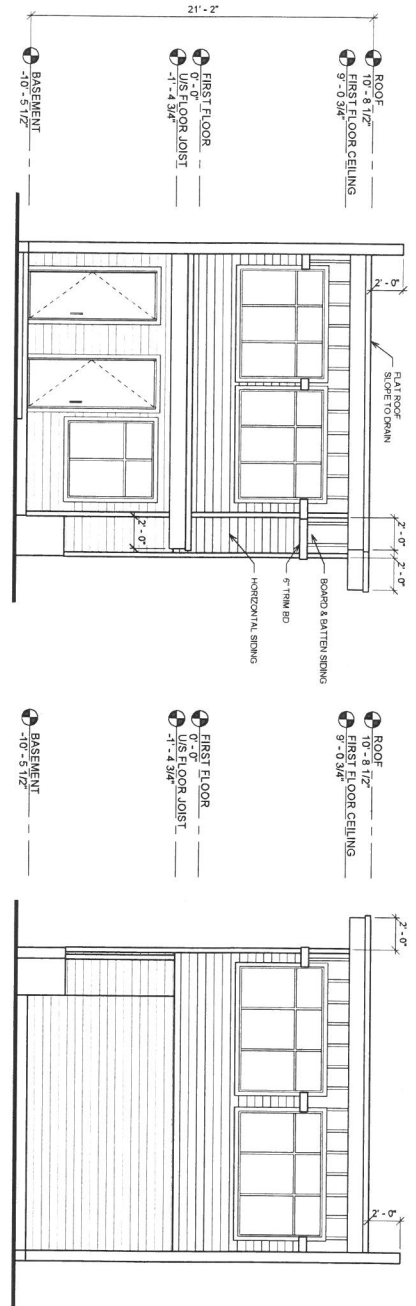
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AS NOTED

SHEET:
1A

PLAN NUMBER:
CH-2-115



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-3346
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DATE: FEB 24
SCALE: AS NOTED
SHEET: 2 OF 3
PLAN NUMBER: CHS-115

DRAWN: AD
CHECKED: TB
DATE: FEB 24
SCALE: AS NOTED
SHEET: 2 OF 3
PLAN NUMBER: CHS-115



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REFERENCE: CUSTOM

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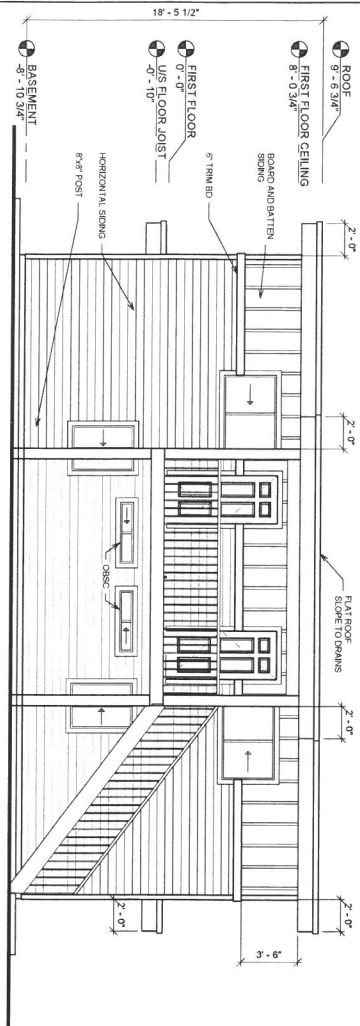
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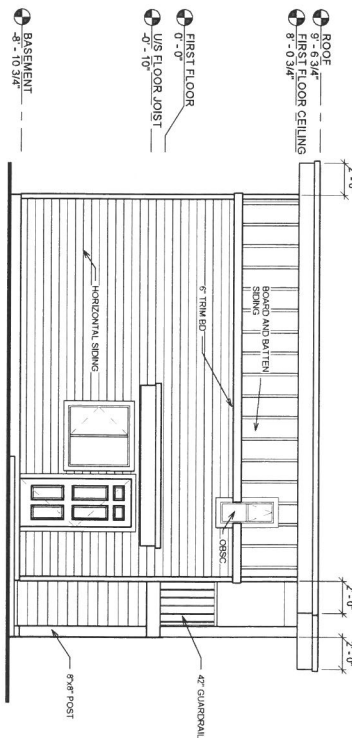
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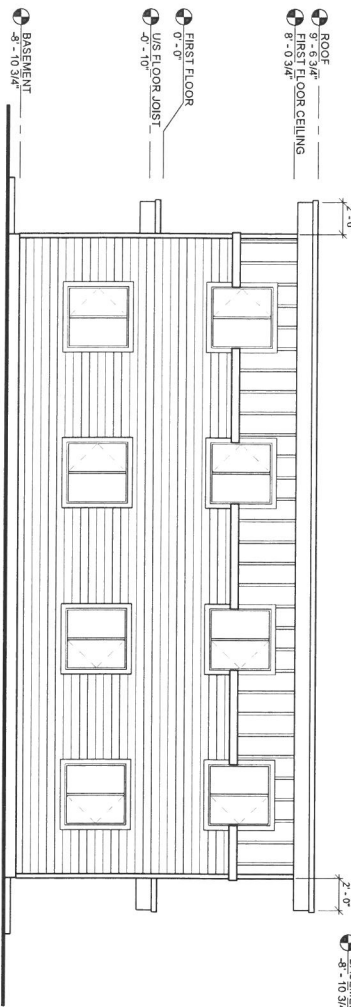
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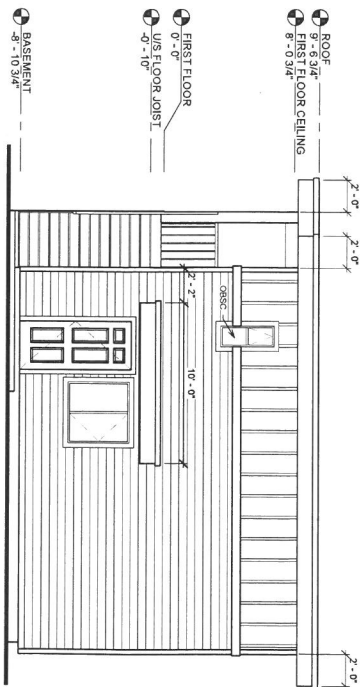
FRONT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"

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SHEET:

PLAN NUMBER:

CS2-115

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1786

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

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

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

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

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1786, 2024".
2. DIVISION FOUR – COMMERCIAL ZONES is amended by including Section 401.11.i as follows:
 - i. Notwithstanding the density requirements outlined in Section 401.11.d.v of this Bylaw, the maximum permitted gross density for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678, and located at 704 Cliff Avenue, Enderby BC shall not exceed 71.63 units per hectare (28.99 units per acre).

Notice that the local government is prohibited from holding a public hearing provided in an edition of the local/regional print newspaper on the 29th day of March, 2024 and posted on the City of Enderby website on the 20th day of March, 2024.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

READ a THIRD time this day of , 2024.

ADOPTED this day of , 2024.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2024.

Development Officer
Ministry of Transportation and Infrastructure

MAYOR

CORPORATE OFFICER

CITY OF ENDERBY DEVELOPMENT VARIANCE PERMIT APPLICATION

File No.: 0067-24-DVP-END

March 27, 2024

APPLICANT:	Mathew Isabelle
OWNER:	Champlain Holdings Inc.
LEGAL DESCRIPTION:	LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678
P.I.D #:	031-940-846
CIVIC ADDRESS:	704 Cliff Avenue, Enderby BC
PROPERTY SIZE:	558.4 m ² (6,011 square feet)
ZONING:	General Commercial (C.1)
O.C.P DESIGNATION:	General Commercial
PROPOSED VARIANCES:	i) Not require a 2 m (6.562 foot) landscaped buffer area along the southern property boundary, ii) increase the maximum number of principal buildings on the lot, iii) reduce the minimum floor area for a two-bedroom dwelling unit, iv) permit the gross floor area of dwelling units located on the first storey level to exceed the gross floor area of the commercial use on the first storey level, v) reduce the minimum rear yard setback, vi) permit dwelling units to be located in a standalone building, vii) reduce the minimum length for an off-street parking space, viii) reduce the minimum width of an unobstructed maneuvering aisle for right-angle parking, ix) reduce the minimum number of off-street parking spaces from 11 to 9

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678, and located at 704 Cliff Avenue, Enderby BC, to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 309.3.a.i by not requiring a 2 m (6.562 foot) landscaped buffer area along the southern property boundary where it abuts a residential lot, as shown on the attached Schedule 'A';

- Section 401.2 by increasing the maximum number of principal buildings on the lot from 1 to 2, as shown on the attached Schedule 'A';
- Section 401.3 by reducing the minimum floor area for a two-bedroom dwelling unit from 45 m² (484.4 square feet) to 44.59 m² (480 square feet), as shown on the attached Schedule 'A';
- Section 401.3 by permitting the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use to exceed the gross floor area of the commercial use on the first storey level, as shown on the attached Schedule 'A';
- Section 401.10.c by reducing the minimum rear yard setback from 6 m (19.68 feet) to 1.5 m (4.92 feet), as shown on the attached Schedule 'A';
- Section 401.11.d.iii by permitting dwelling units to be located in a standalone building, as shown on the attached Schedule 'A';
- Section 901.2.a by reducing the minimum length for an off-street parking space from 6 m (19.68 feet) to 5.5 m (18.04 feet), as shown on the attached Schedule 'A'; and
- Section 901.2.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking from 8 m (26.25 feet) to 7 m (22.97 feet), as shown on the attached Schedule 'A'.

AND THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN EPP115678, and located at 704 Cliff Avenue, Enderby BC, to permit a variance to Section 901.3 of the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum number of off-street parking spaces from 11 to 9, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 704 Cliff Avenue, Enderby BC. The applicant is requesting to vary the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014 as part of a proposed mixed-use development at 704 Cliff Avenue, Enderby BC, composed of a two-storey commercial building and a two-storey residential four-plex:

- Section 309.3.a.i by not requiring a 2 m (6.562 foot) landscaped buffer area along the southern property boundary where it abuts a residential lot;
- Section 401.2 by increasing the maximum number of principal buildings on the lot from 1 to 2;
- Section 401.3 by reducing the minimum floor area for a two-bedroom dwelling unit from 45 m² (484.4 square feet) to 44.59 m² (480 square feet);
- Section 401.3 by permitting the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use to exceed the gross floor area of the commercial use on the first storey level;
- Section 401.10.c by reducing the minimum rear yard setback from 6 m (19.68 feet) to 1.5 m (4.92 feet);
- Section 401.11.d.iii by permitting dwelling units to be located in a standalone building;

- Section 901.2.a by reducing the minimum length for an off-street parking space from 6 m (19.68 feet) to 5.5 m (18.04 feet);
- Section 901.2.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking from 8 m (26.25 feet) to 7 m (22.97 feet); and
- Section 901.3 by reducing the minimum number of off-street parking spaces from 11 to 9.

Site Context

The 558.4 m² (6,011 square foot) property is located on the south side of Cliff Avenue. The property is flat and does not have any improvements on it. The lot was created through a boundary lot adjustment subdivision which was completed in 2023. The property is not connected to the City's community water, sanitary sewer or storm drainage systems. A restrictive covenant is registered on the title of the property which prevents any development on the property until such time as it is connected to the City's community water, sanitary sewer and storm drainage systems.

The subject property and properties to the east, north and west are all zoned General Commercial (C.1) and are designated as General Commercial in the Official Community Plan (OCP), while the properties to the south are zoned Residential Single Family (R.1-A) and Residential Multi-Family Low Intensity (R.3-A) and are designated as Residential Low Density and Residential Medium Density in the OCP, respectively.

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

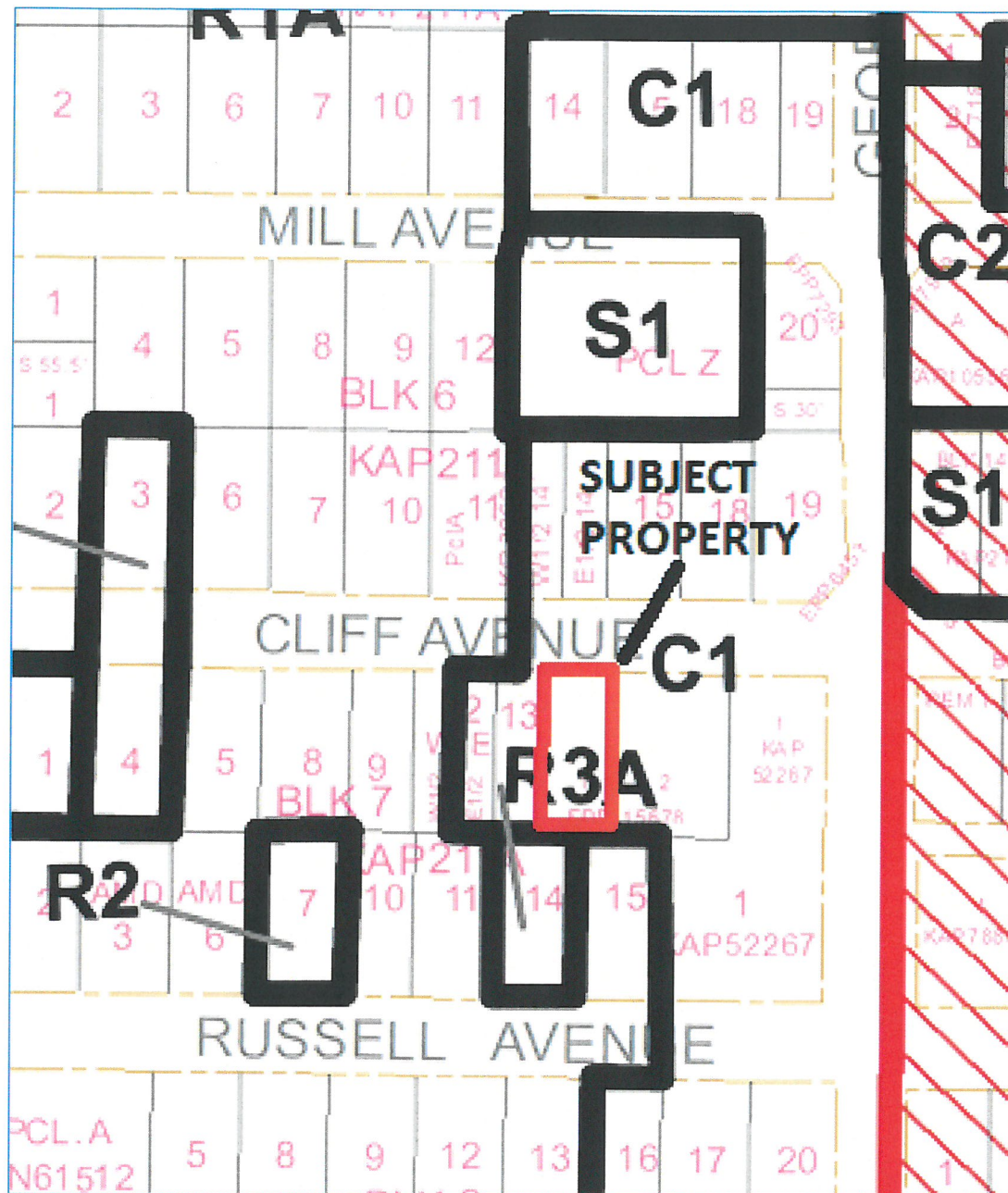


Figure 1: Zoning Map

- C.1 – General Commercial
- R.1-A – Residential Single Family
- R.2 – Residential Two Family
- R.3-A – Residential Multi-Family Low Intensity
- S.1 – Assembly, Civic and Public Service Use

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



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 a mixed-use development on the property, consisting of a two-storey commercial building in the northern portion of the property and a two-storey residential four-plex in the southern portion of the property, as shown on the attached Schedule 'A'. The commercial building will have one commercial unit on the first storey level and one commercial unit on the second storey level, with both units proposed to be used for office space. The residential four-plex will have two dwelling units on the first storey and two dwelling units on the second storey. The central portion of the property is proposed as a parking area consisting of 9 right-angle off-street parking spaces and a maneuvering aisle.

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	2
Floor area (min.)	45 m ² (484.4 square feet) within each two-bedroom dwelling unit	44.59 m ² (480 square feet) within each two-bedroom dwelling unit
Floor space ratio (max.)	The sum of the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use must not exceed the gross floor area of the commercial use on the first storey level.	Gross floor area of first storey residential (960 square feet) exceeds first storey commercial (359 square feet)

CRITERIA	C.1 ZONE REQUIREMENTS	PROPOSAL
Building height (max.)	Lesser of 12 m (39.37 feet) or three (3) storeys	Residential - 5.64 m (18.5 feet), two storeys Commercial - 6.45 m (21.17 feet), two storeys
Lot area (min.)	200 m ² (2,153 square feet)	558.4 m ² (6,011 square feet)
Lot coverage (max.)	60%	< 60%
Lot frontage (min.)	7 m (22.97 feet)	15.24 m (50 feet)
Setbacks (min.)		
Front yard	0 m	1.5 m (4.92 feet)
Rear yard	6 m (19.68 feet)	1.5 m (4.92 feet)
Side yard	0 m	Commercial – 0.75 m (2.46 feet) Residential – 1.5 m (4.92 feet)
Location of dwelling units	Dwelling units must be above or behind commercial use and attached to principal commercial building	Dwelling units in standalone building
Landscaping	2 m (6.56 feet) landscape buffer area where it abuts residential lots to the south	No landscape buffer area along southern property boundary
Screening	N/A	N/A
Number of off-street loading spaces (min.)	N/A	N/A
Number of off-street parking spaces	Residential = 8 Lower unit = 1 for office Upper office = 2 for office TOTAL = 11	9
Off-street parking space dimension (min.)	6 m (19.68 feet) in length 2.8 m (9.186 feet) in width	5.5 m (18.04 feet) in length 2.95 m (9.68 feet) in width
Off-street parking space and maneuvering aisle construction standards	Paved and curbed	Paved and curbed
Maneuvering aisle dimensions (min.)	8 m (26.25 feet) for right-angle parking	7 m (22.97 feet) for right-angle parking

***It should be noted that the proposed development is not consistent with the maximum permitted gross density requirements of the City of Enderby Zoning Bylaw No. 1550, 2014; this is being addressed through a separate Zoning Text Amendment application.

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

PLANNING ANALYSIS:

Number of Principal Buildings and Locating Dwelling Units in a Standalone Building

The City of Enderby Planner raises no objections to the applicant's request to vary Sections 401.2 and 401.11.d.iii of the Zoning Bylaw by increasing the maximum number of principal buildings on the lot from 1 to 2, and permitting dwelling units to be located in a standalone building, as shown on the attached Schedule 'A'. These particular zoning provisions are intended to centralize development on a commercial property and promote the efficient use of commercial lands. Given the challenging characteristics of the site, including a limited width and a lack of secondary access, it would be extremely difficult to develop a large, single building that accommodates mixed uses without significantly impacting the neighbourhood and for that reason, the applicant is proposing to separate the commercial and residential uses into two separate buildings. The proposal is an efficient use of the land and it is not anticipated that two principal buildings will negatively impact the functionality of the site or the zoning scheme, given the parcel dimensions.

Ratio of Residential to Commercial Floorspace on First Storey Level

The City of Enderby Planner raises no objections to the applicant's request to vary Section 401.3 of the Zoning Bylaw by permitting the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use to exceed the gross floor area of the commercial use on the first storey level, as shown on the attached Schedule 'A'. This zoning provision is intended to ensure that commercial floor space is preserved in mixed-use buildings which involve a mix of residential and commercial uses. The residential dwelling units are proposed to be located within a standalone building that is separate from the commercial building, therefore the gross floor area of the first storey of the residential building would not impact the viability of the commercial floorspace in the commercial building. Having said that, there is an argument that by having a larger footprint for the residential building, it would limit the potential for commercial expansion on the property; however, Staff recognize that this is a challenging property to develop given its limited frontage and internal access restrictions. The proposed mixed-use development strikes a suitable balance in that it accommodates residential land uses while providing a two-storey commercial building with streetscape frontage.

Size of Dwelling Units

The City of Enderby Planner raises no objections to the applicant's request to vary Section 401.3 of the Zoning Bylaw by reducing the minimum floor area for a two-bedroom dwelling unit from 45 m² (484.4 square feet) to 44.59 m² (480 square feet), as shown on the attached Schedule 'A', given that the proposed reduction is only 0.41 m² (4.84 square feet) and represents a less than 1% reduction.

Rear Yard Setback

As previously mentioned, the property has challenging characteristics including a limited width and a lack of lane access, which makes it difficult to develop a single mixed-use building that could accommodate significant commercial and residential uses. For that reason, the applicant is proposing to separate the commercial and residential uses into two standalone buildings. In order to have two separate commercial and residential buildings on the property, while providing suitable areas for maneuvering aisles and off-street parking spaces and enabling the commercial building to front the streetscape, it necessitates locating the residential building to the south; in this case, the applicant is requesting a variance to reduce the minimum rear yard setback from 6 m (19.68 feet) to 1.5 m (4.92 feet). Without a reduced rear yard setback for the proposed residential building, it would significantly restrict the applicant's ability to provide a suitable number of adequately sized off-street parking spaces, along with a maneuvering aisle of sufficient width, especially given that the footprint of the proposed residential building is already small. It is recognized that a reduced rear yard setback will impact the views of the neighbouring residential properties to the south; however, the proposed residential building is only two-storeys and 5.64 m (18.5 feet) in height, whereas the C.1 zone permits buildings up to three-storeys and 12 m (39.37 feet) in height. It is anticipated that under a scenario where the applicant proposed to construct a three-storey building in the southern portion of the property while maintaining the required 6 m (19.68 foot) rear yard setback, this would have a similar impact on the views of the neighbouring properties to the south as compared to the proposed two-storey building with a reduced rear yard setback.

For the reasons described above, it is recommended that Council support the variance request.

Length of Off-Street Parking Spaces and Width of Maneuvering Aisles

The City of Enderby Planner raises no objections to the applicant's request to vary Sections 901.2.a and 901.2.b of the Zoning Bylaw by reducing the minimum length for an off-street parking space from 6 m (19.68 feet) to 5.5 m (18.04 feet), and reducing the minimum width of an unobstructed maneuvering aisle for right angle parking from 8 m (26.25 feet) to 7 m (22.97 feet), respectively, as shown on the attached Schedule 'A'. The proposed reduction to the minimum length of off-street parking spaces and the width of maneuvering aisles is relatively low, at 8% and 12.5% respectively, and it is not anticipated that the proposed reductions would negatively impact the functionality of the off-street parking areas or access to the site.

Number of Off-Street Parking Spaces

The City of Enderby Planner raises no objections to the applicant's request to vary Section 901.3 of the Zoning Bylaw by reducing the minimum number of off-street parking spaces from 11 to 9, as shown on the attached Schedule 'A', subject to the property owner registering a housing agreement by covenant on the title of the subject property, satisfactory to the City, which requires that the parking demands associated with the residential portion of the development are contained on-site and which shall be a material term of any tenancy agreement. This condition will ensure that the parking demands associated with the residential component of the site do not overwhelm the parking capacity of the site, which could result in parking spill-over to the broader neighbourhood. It is anticipated that with the registration of a housing agreement by covenant on the title of the property, a total of 9 off-street parking spaces will be sufficient to meet the parking demands of the proposed development.

Landscape Buffer Area

The City of Enderby Planner raises no objections to the applicant's request to vary Section 309.3.a.i of the Zoning Bylaw by not requiring a 2 m (6.562 foot) landscaped buffer area along the southern property boundary where it abuts a residential lot, as shown on the attached Schedule 'A'. The applicant is requesting a variance to reduce the minimum rear yard setback along the southern property boundary to 1.5 m (4.92 feet), therefore a 2 m (6.562 foot) landscape buffer could not be accommodated if that variance request were approved. Furthermore, given that the southern property boundary is fenced, a landscape buffer area would not be visible to the adjacent residential lots to the south.

SUMMARY

This report relates to a Development Variance Permit application for the property located at 704 Cliff Avenue, Enderby BC. The applicant is requesting to vary the following Sections of the City of Enderby Zoning Bylaw No. 1550, 2014 as part of a proposed mixed-use development at 704 Cliff Avenue, Enderby BC, composed of a two-storey commercial building and a two-storey residential four-plex:

- Section 309.3.a.i by not requiring a 2 m (6.562 foot) landscaped buffer area along the southern property boundary where it abuts a residential lot;
- Section 401.2 by increasing the maximum number of principal buildings on the lot from 1 to 2;
- Section 401.3 by reducing the minimum floor area for a two-bedroom dwelling unit from 45 m² (484.4 square feet) to 44.59 m² (480 square feet);
- Section 401.3 by permitting the gross floor area of dwelling units located on the first storey level and entirely behind the commercial use to exceed the gross floor area of the commercial use on the first storey level;
- Section 401.10.c by reducing the minimum rear yard setback from 6 m (19.68 feet) to 1.5 m (4.92 feet);
- Section 401.11.d.iii by permitting dwelling units to be located in a standalone building;
- Section 901.2.a by reducing the minimum length for an off-street parking space from 6 m (19.68 feet) to 5.5 m (18.04 feet);

- Section 901.2.b by reducing the minimum width of an unobstructed maneuvering aisle for right angle parking from 8 m (26.25 feet) to 7 m (22.97 feet); and
- Section 901.3 by reducing the minimum number of off-street parking spaces from 11 to 9.

The City of Enderby Planner is recommending that Council support the variance requests, with the variance request to reduce the minimum number of off-street parking spaces be subject to the owner registering a housing agreement by covenant on the title of the property.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

Reviewed By:



Tate Bengtson
Chief Administrative Officer

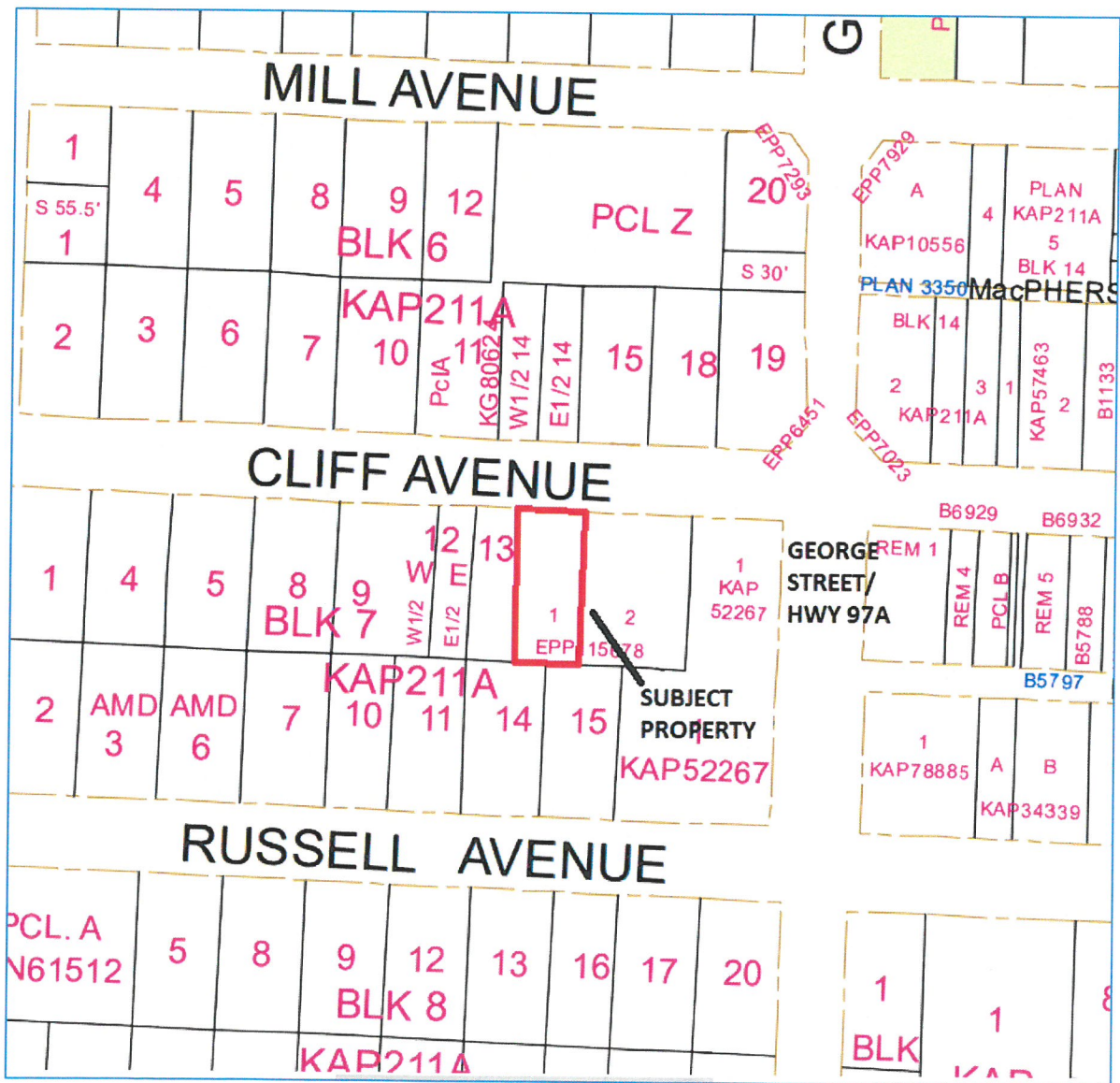
THE CORPORATION OF THE CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION
SUBJECT PROPERTY MAP

File: 0067-24-DVP-END (Isabelle)

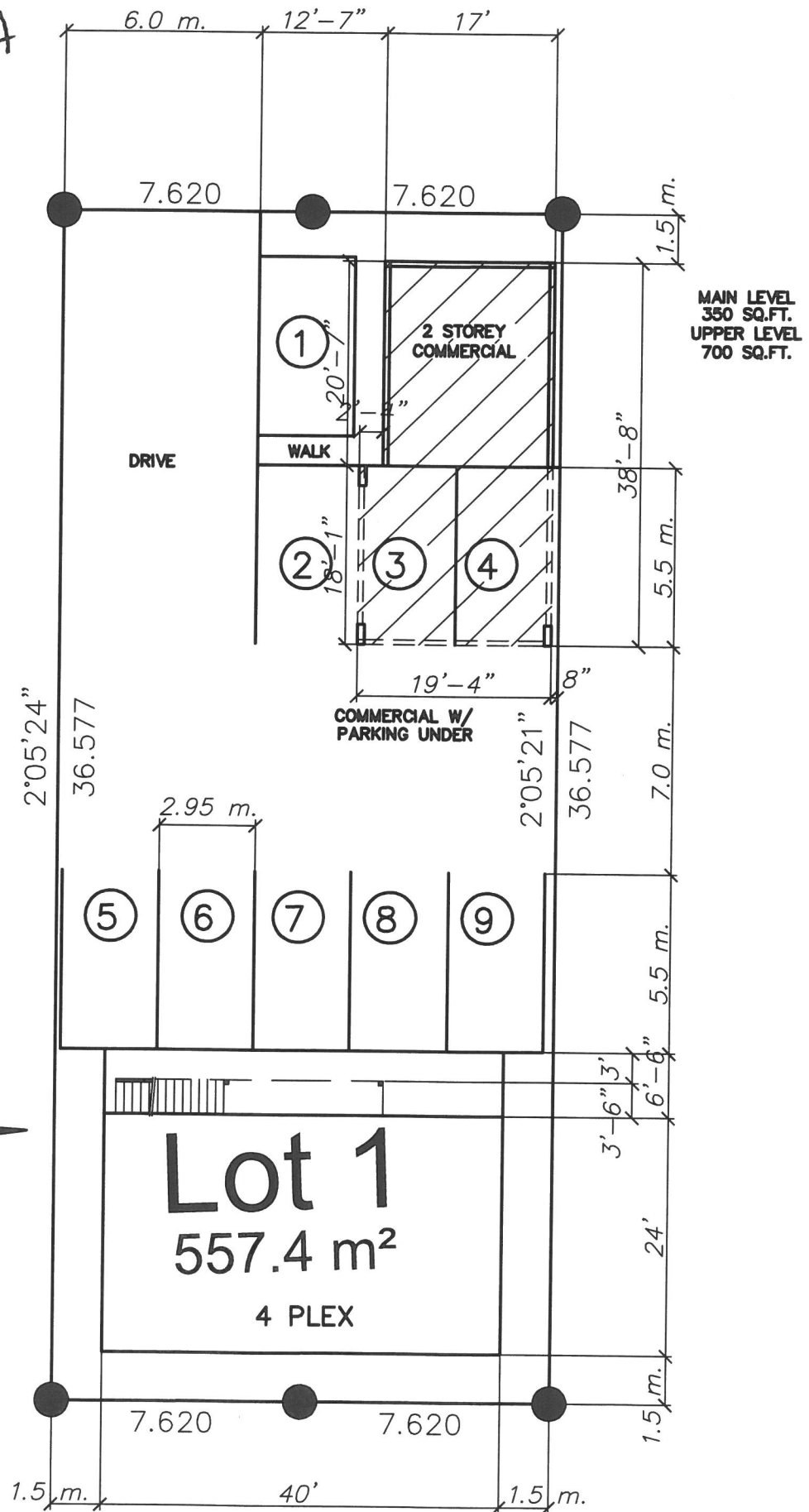
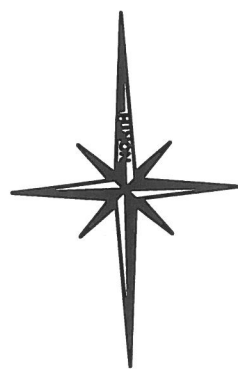
Applicant: Mathew Isabelle

Owner: Champlain Holdings Inc.

Location: 704 Cliff Avenue, Enderby BC



Schedule A





JENISH HOUSE DESIGN LIMITED

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(250) 420-3346
TOLL FREE 1-888-458-9235

THE ARCHITECTURE
AND INTERIOR DESIGN
OF THIS PROJECT IS THE
PROPERTY OF JENISH
HOUSE DESIGN LIMITED.

REFERENCE:

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DRAWN:

AD

CHECKED:

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DATE:

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SCALE:

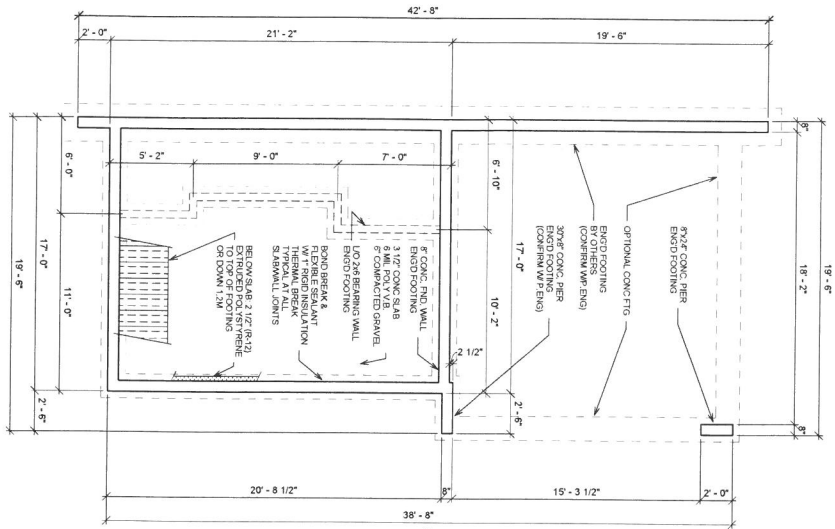
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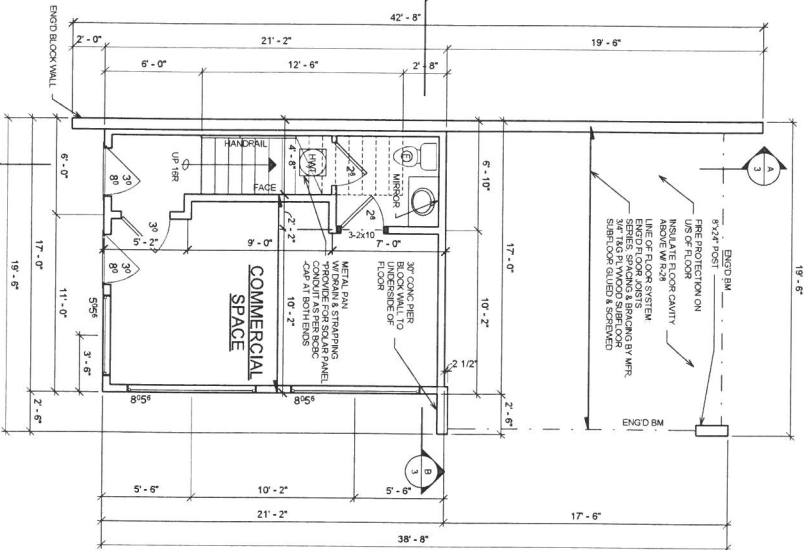
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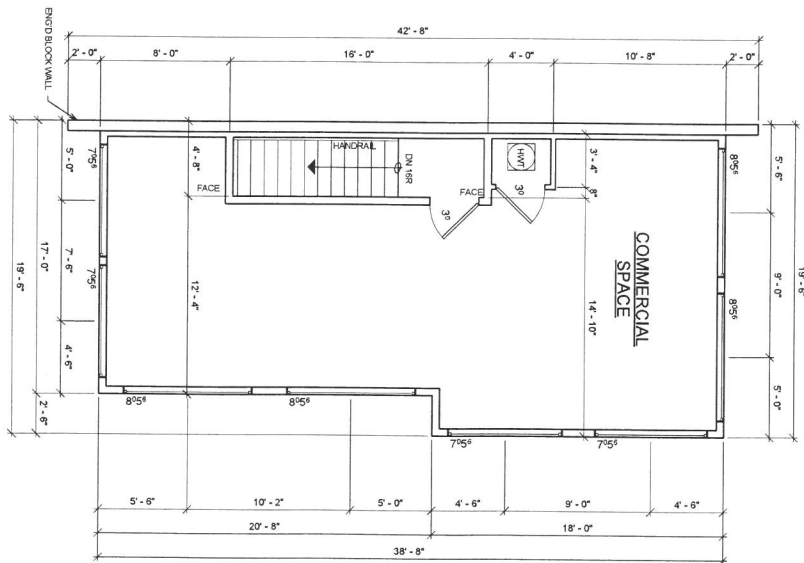
FOUNDATION PLAN
1/4" = 1'-0"

PROVIDE POLYETHYLENE SLAB ON GROUND SYSTEM
A GRANULAR FILL BELOW SLAB AND PROVIDE A PIPE WITH A MANHOLE CAP
TO BE PASSENGER VENTED TO EXTERIOR TO BE TERMINATED OUTSIDE



MAIN FLOOR PLAN
1/4" = 1'-0"

9' - 0 3/4" CEILING HEIGHT
LOWER COMMERCIAL AREA = 326 SQ. FT.
UPPER COMMERCIAL AREA = 335 SQ. FT.



SECOND FLOOR PLAN
1/4" = 1'-0"

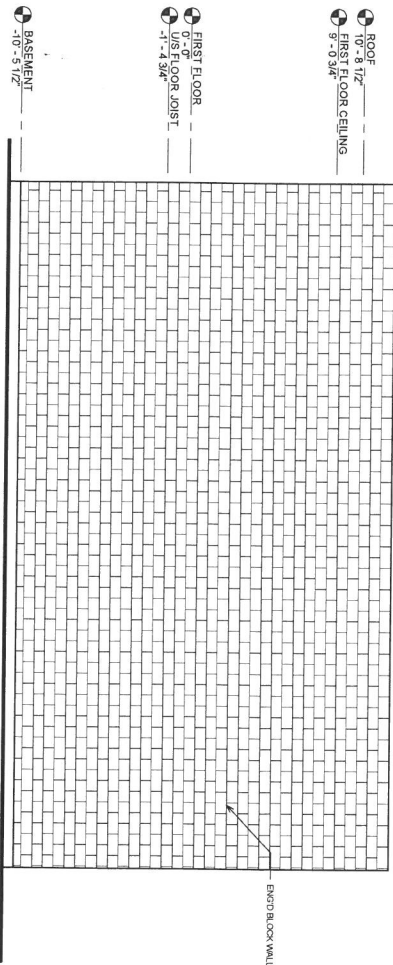
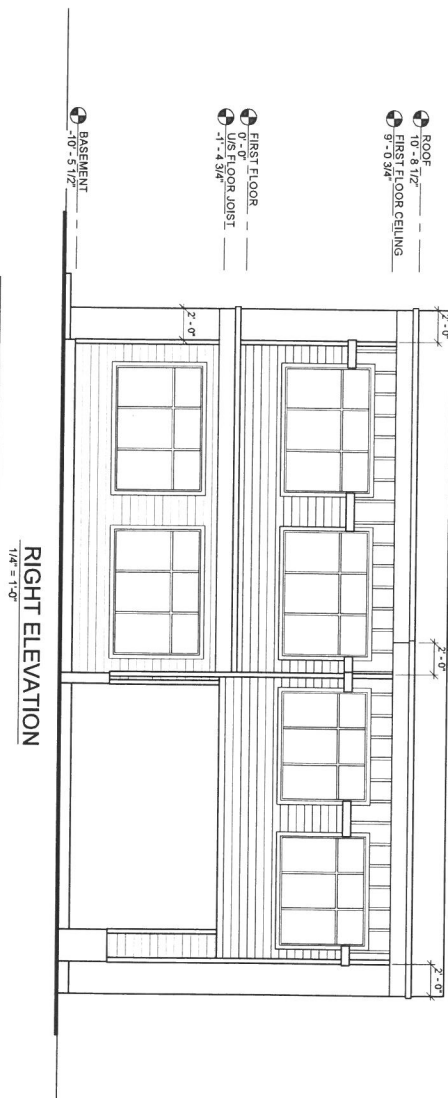
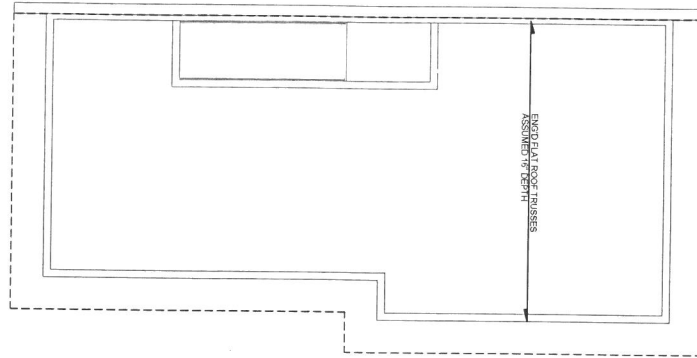
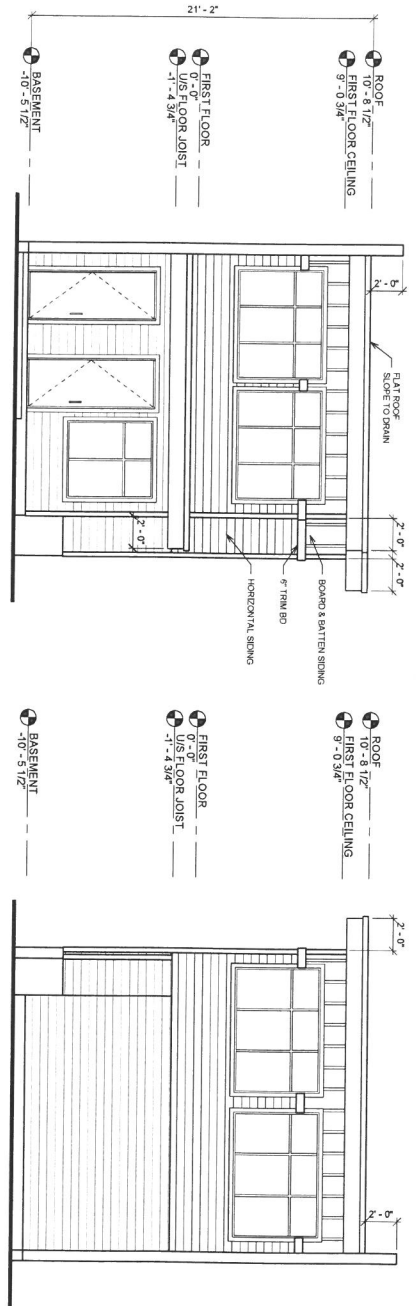
9' - 0 3/4" CEILING HEIGHT
COMMERCIAL AREA = 702 SQ. FT.

NOTE: 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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(250) 420-3346
TOLL FREE 1-888-458-9235

NOTE:
ENGINEER'S RESPONSIBILITY FOR THE DESIGN OF THE BUILDING IS LIMITED TO THE BUILDING AS SHOWN ON THESE PLANS. THE OWNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS. THE OWNER SHALL BE RESPONSIBLE FOR THE DESIGN OF THE BUILDING AS SHOWN ON THESE PLANS.

GENERAL NOTES

(1) BUILDING NOTES
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(2) FOUNDATIONS
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(7) FINISHING
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(8) SPECIAL NOTES
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(9) SITE PLAN NOTES
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(18) FINISHING
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NEW YORK, N.Y. 10001
(212) 476-4346
TOLL FREE 1-888-458-4235

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SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
(1)	FOUNDATION	(1)	FOUNDATION
(2)	ROOFING	(2)	ROOFING
(3)	INTERIORS	(3)	INTERIORS
(4)	MECHANICAL	(4)	MECHANICAL
(5)	ELECTRICAL	(5)	ELECTRICAL
(6)	FINISHING	(6)	FINISHING
(7)	SPECIAL NOTES	(7)	SPECIAL NOTES
(8)	SITE PLAN NOTES	(8)	SITE PLAN NOTES
(9)	FINISHING	(9)	FINISHING
(10)	ELECTRICAL	(10)	ELECTRICAL
(11)	FINISHING	(11)	FINISHING
(12)	ELECTRICAL	(12)	ELECTRICAL
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(14)	ELECTRICAL	(14)	ELECTRICAL
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(16)	ELECTRICAL	(16)	ELECTRICAL
(17)	FINISHING	(17)	FINISHING
(18)	ELECTRICAL	(18)	ELECTRICAL



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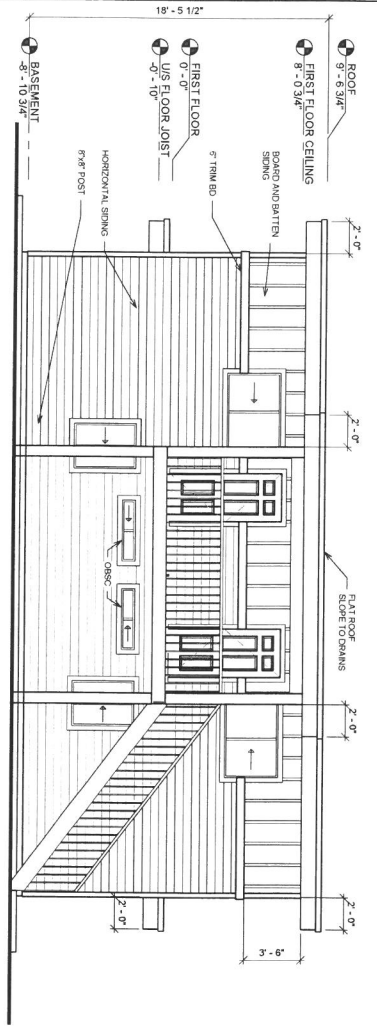
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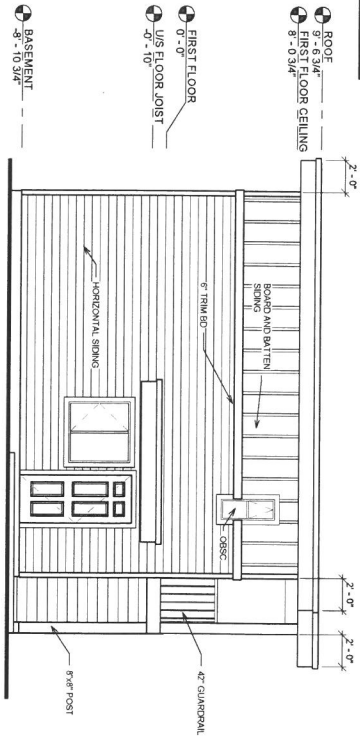
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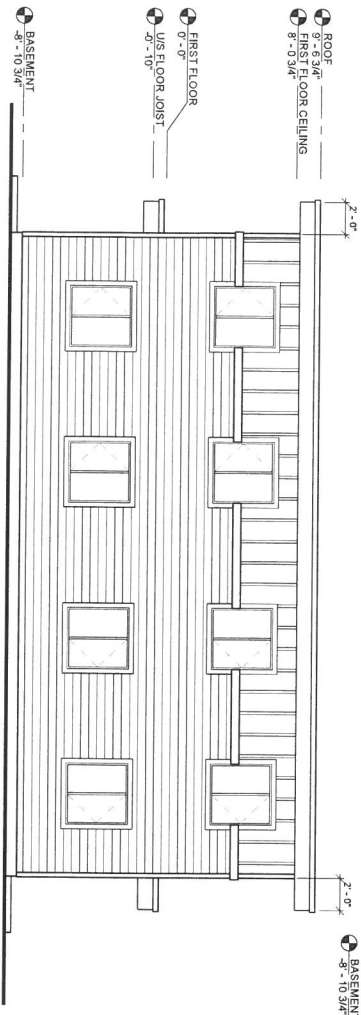
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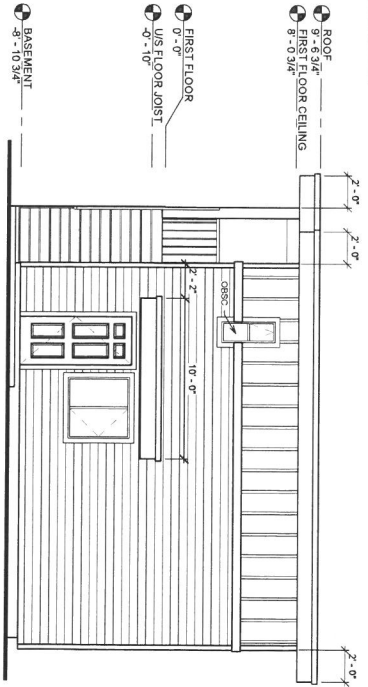
FRONT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"

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JANUARY '24

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SHEET:
2 OF 3

PLAN NUMBER:
CS-2115

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1787

A bylaw to amend City of Enderby Development Applications Procedures Bylaw No. 1586, 2016

WHEREAS the Section 460 of the *Local Government Act* requires local governments who have adopted an official community plan or zoning bylaw to, by bylaw, define procedures under which an owner of land may apply for an amendment to the official community plan or zoning bylaw, or apply for the issuance of a permit under *Part 14 — Planning and Land Use Management* of the *Local Government Act*;

AND WHEREAS the Council of the City of Enderby has adopted “The Corporation of City of Enderby Development Applications Procedures Bylaw No. 1586, 2016”;

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

1. CITATION

This Bylaw shall be cited as “The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016 Amendment Bylaw No. 1787, 2024”.

2. AMENDMENTS

The Corporation of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016 is hereby amended as follows:

1. By replacing all references to ‘Part 26 of the *Local Government Act*’ with ‘Part 14 of the *Local Government Act*’.
2. By replacing all references to ‘Section 895 (1) of the *Local Government Act*’ with ‘Section 460 of the *Local Government Act*’.
3. By replacing all references to ‘Section 930 of the *Local Government Act*’ with ‘Section 546 of the *Local Government Act*’.
4. By replacing all references to ‘Section 905.1 of the *Local Government Act*’ with ‘Section 516 of the *Local Government Act*’.
5. By replacing all references to ‘Section 922 of the *Local Government Act*’ with ‘Section 498 of the *Local Government Act*’.
6. By removing the definition of ‘*Local Government Act*’.

7. By replacing all references to 'Section 890 of the *Local Government Act*' with 'Section 464 of the *Local Government Act*'.
8. By replacing all references to 'Section 921 of the *Local Government Act*' with 'Section 493 of the *Local Government Act*'.
9. By replacing all references to 'Section 920.1 of the *Local Government Act*' with '*Part 14 Division 6 – Development Approval Information Requirements*' of the *Local Government Act*'.
10. By replacing all references to 'Section 925 of the *Local Government Act*' with 'Section 502 of the *Local Government Act*'.
11. By replacing all references to 'Section 926 of the *Local Government Act*' with 'Section 504 of the *Local Government Act*'.
12. By replacing all references to 'Section 895 (3) of the *Local Government Act*' with 'Section 460 (3) of the *Local Government Act*'.
13. By replacing all references to 'Sections 901 and 902 of the *Local Government Act*' with '*Part 14 Division 15 — Board of Variance* of the *Local Government Act*'.
14. By replacing all references to 'Section 892 (6) of the *Local Government Act*' with 'Section 466 (8) of the *Local Government Act*'.
15. By replacing all references to 'Section 890 (4) of the *Local Government Act*' with 'Section 464 (2) of the *Local Government Act*'.
16. By including Section 6.1.1.a.ii as follows, and renumbering the remainder of the section accordingly:

A scheduled Council meeting for considering a Zoning Bylaw where the City decides not to hold a public hearing, or is prohibited from holding a public hearing in accordance with Section 464 of the *Local Government Act*.

17. By replacing Section 6.2 with the following:

In accordance with the *Local Government Act*, the City will not adopt or amend an Official Community Plan Bylaw, Zoning Bylaw, Phased Development Agreement Bylaw or a Bylaw under Section 548 of the *Local Government Act* [early termination of Land Use Contracts] of the *Local Government Act*, or approve a Temporary Use Permit, without holding a Public Hearing on the bylaw or permit in order to allow the public to make representations to Council respecting matters contained in the proposed bylaw or permit.

If the City decides not to hold a public hearing, or is prohibited from holding a public hearing under Section 464 of the *Local Government Act*, the City will give notice that a public hearing is not held in accordance Section 6.2.4 of this Bylaw.

18. By adding Section 6.2.4 as follows:

6.2.4 Notice if Public Hearing Not Held

Where the City decides not to hold a public hearing, or is prohibited from holding a public hearing under Section 464 of the *Local Government Act*, the City will provide notice that a public hearing is not held in accordance with Section 467 of the *Local Government Act* and the standards prescribed in the City of Enderby Public Notice Bylaw No. 1770, 2023. The notice will include a statement that written representations respecting the proposed bylaw may be submitted to the City up until 3:00 pm on the day in which the bylaw will be considered by Council for first reading, with the written submissions to be read before Council at the meeting, prior to first reading.

19. By replacing Section 6.2.2.b with the following:

Be provided in accordance with Sections 466 or 494 of the *Local Government Act* and the standards prescribed in the City of Enderby Public Notice Bylaw No. 1770, 2023.

20. By adding Section 2.9.1 to Schedule '1' as follows:

Staff will give notice if a Public Hearing is not held as per Section 6.2.4 of this Bylaw and the requirements of the *Local Government Act*.

21. By replacing Section 2.11 to Schedule '1' as follows:

Council will receive the Staff report, and Council may choose one of the following options for the amending bylaw(s):

- i. If a Public Hearing is not being held, give up to three readings and adoption, subject to Section 135 of the *Community Charter* and Section 480 of the *Local Government Act*;
- ii. Give first and second readings and forward to a Public Hearing; or
- iii. Postpone consideration or deny.

22. By replacing Section 2.12 of Schedule '1' as follows:

Should the bylaw(s) receive first and second reading and be forwarded to a Public Hearing, a Public Hearing will be held to allow the public to comment on the application and notice of the Public Hearing will be given pursuant to Section 6.2.2 of this Bylaw and the *Local Government Act*.

READ a FIRST time this 18th day of March, 2024.

READ a SECOND time this 18th day of March, 2024.

READ a THIRD time this 18th day of March, 2024.

ADOPTED this day of , 2024.

MAYOR

CORPORATE OFFICER

February 29, 2024

Via Email

UBCM Member Municipalities

Dear UBCM Members:

Re: Support for Resolution

I am writing to you on behalf of Osoyoos Town Council to request your support for our proposed resolution on legislative changes regarding personal and defamatory attacks on municipal leaders at the upcoming SILGA Convention, in advance of the UBCM Convention this fall.

Municipal leaders across the province are facing increasing levels of personal and defamatory attacks, which not only impact our ability to effectively serve our communities but also have a negative impact on the overall functioning of local government. It is imperative that we address this issue and advocate for legislative changes that provide better protection for municipal leaders.

At the February 27, 2024, Regular Open Council Meeting, Town Council passed the following resolution:

Whereas Local Governments recognize the importance of fostering respectful and constructive dialogue within the community; and

Whereas personal and defamatory attacks on local government leaders, including both senior staff and elected officials, undermine the integrity of the democratic process and create a hostile working environment, and

Whereas current legislative and legal frameworks, including those of WorkSafeBC and Workers Compensation Act, do not provide adequate protection against such attacks, thereby hindering the ability of local government leaders to carry out their duties effectively,

Therefore be it resolved that UBCM advocate for legislative changes that address the issue of personal and defamatory attacks on local government leaders; and

Further be it resolved that these changes should aim to strengthen protections for local government leaders against unfounded, defamatory and malicious accusations while also upholding principles of freedom of speech and transparency;

Further be it resolved that UBCM is encouraged to collaborate with other relevant stakeholders, the Ministry of Municipal Affairs, including legal experts and advocacy groups, to develop comprehensive proposals for legislative reform.

Together, we can work towards creating a safer, more respectful environment for all municipal leaders to effectively carry out their duties on behalf of their communities. We look forward to and appreciate your support on this matter.

Attachments:

ToO Background Information SILGA Resolution

Yours truly,



Sue McKortoff
Mayor

c: Town Council
R. Risling, CAO
Brianne Hillson, Director of Corporate Services
Honourable Anne Kang, Minister of Municipal Affairs

Legislative Changes - Personal and Defamatory Attacks on Municipal Leaders

Background Information:

There has been a concerning rise in the frequency and severity of personal and defamatory attacks directed toward municipal leaders (including Council members and staff). These attacks are often through various channels, including social media, and create a hostile working environment and hinder the ability of municipal leaders to carry out their duties effectively. The repercussions of defamatory personal attacks extend beyond the municipal realm and can detrimentally affect Council members who are working professionals by impacting their livelihood. The damaging effects of the personal attacks are not confined to professional settings; they often infiltrate into the personal lives of both staff and municipal council members, including incidents outside of business hours.