

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kurt Inglis, Planner and Deputy Corporate Officer
Date: July 19, 2021
Subject: 0002-21-RZ-END (Backus) - Third Reading and Adoption of Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021

RECOMMENDATION

THAT Council receives and files the attached Staff Report dated July 7, 2021;

AND THAT upon consideration of input at the Public Hearing, Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 which proposes to change the zoning designation of the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, from the Country Residential (C.R) zone to the General Industrial (I.2) zone, be given Third Reading and Adoption;

AND FURTHER THAT should Council give Third Reading and Adoption to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

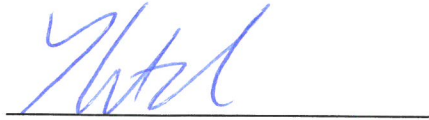
BACKGROUND

A Rezoning Application has been submitted for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

A site plan has not been provided by the applicant at this time but would be required at the building permit stage, should this application be supported; if the site plan is not able to demonstrate that the development meets all City of Enderby Zoning Bylaw standards (i.e. required setbacks, minimum off-street parking, etc.) they would be required to seek variances through the Development Variance Permit process. It should also be noted that if this Rezoning Application were to be approved, the applicant would not be tied to their proposal involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. Although the applicant may intend to develop the property in accordance with this proposal, it is important to note that if the application is approved then the property could develop in any manner that is consistent with the Zoning Bylaw and any charges registered against the title of the property (covenants, statutory building scheme, etc.).

At the Regular Meeting of July 12, 2021, Council gave First and Second Readings to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 and forwarded it to a Public Hearing; the Public Hearing provides an opportunity for all persons who believe that their interest in property is affected by the Bylaw to make public representation. Following the conclusion of the Public Hearing, Council will consider the Bylaw for Third Reading and Adoption.

Respectfully Submitted,



Kurt Inglis
Planner and Deputy Corporate Officer

**CITY OF ENDERBY
REZONING APPLICATION**



File No: 0002-21-RZ-END

July 7, 2021

APPLICANT: Brandon Backus

OWNER(S): Brandon Backus

LEGAL DESCRIPTION: PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810

PID #: 011-519-797

LOCATION: 349 Brickyard Road, Enderby BC

PROPERTY SIZE: 1.25 hectares (3.09 acres)

PRESENT ZONING: Country Residential (C.R.)

PROPOSED ZONING: General Industrial (I.2)

PRESENT O.C.P DESIGNATION: General Industrial

PROPOSAL: Industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

RECOMMENDATION:

THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 which proposes to rezone the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, from the Country Residential (C.R.) zone to the General Industrial (I.2) zone be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Rezoning Application for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

Site Context

The 1.25 hectare (3.09 acre) subject property is relatively flat and is located along the east side of Brickyard Road, along the northern stretch of the corridor which is constructed to a gravel standard. To the east of the property is the Shuswap River.

A single-family home and detached shop are located in the western portion of the lot, while the eastern portion, which was previously used for agricultural purposes, is now lawn. The central portion of the property remains largely treed. Access to the property is gained via a gravel driveway off of Brickyard Road.

The subject property and one of the properties to the south are zoned Country Residential (C.R.) and are designated in the OCP as *General Industrial*; the other property to the south is zoned General Industrial and is designated in the OCP as *General Industrial*. The property to the east is zoned Transportation Corridor (S.2) and is designated in the OCP as *Transportation Corridor*, while the properties to the north are located in Area 'F' of the Regional District of North Okanagan.

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

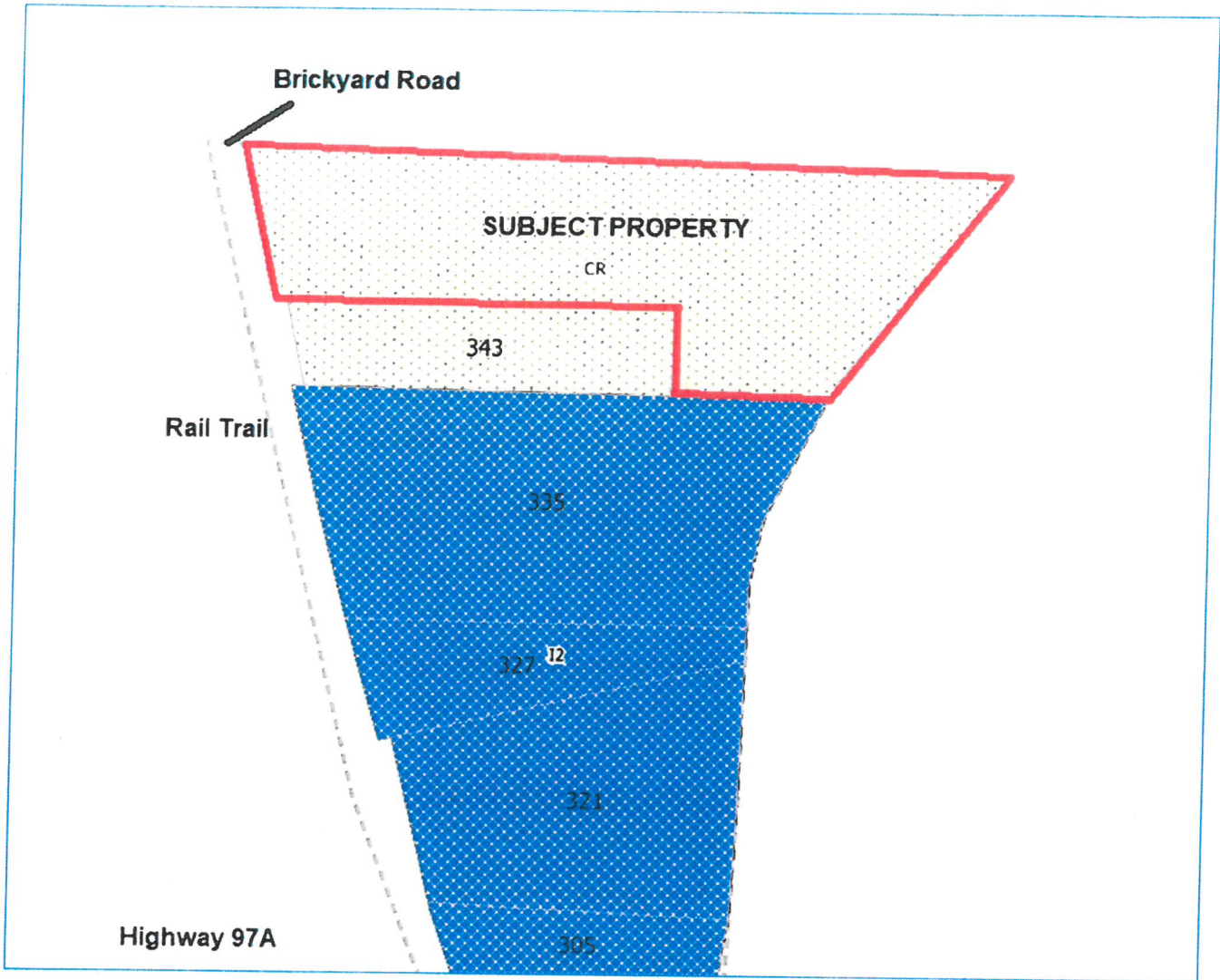


Figure 1. Zoning Map

Dotted – Country Residential (C.R.)

Blue Crosshatch – General Industrial (I.2)

The following orthophoto of the subject and surrounding properties was taken in 2020:

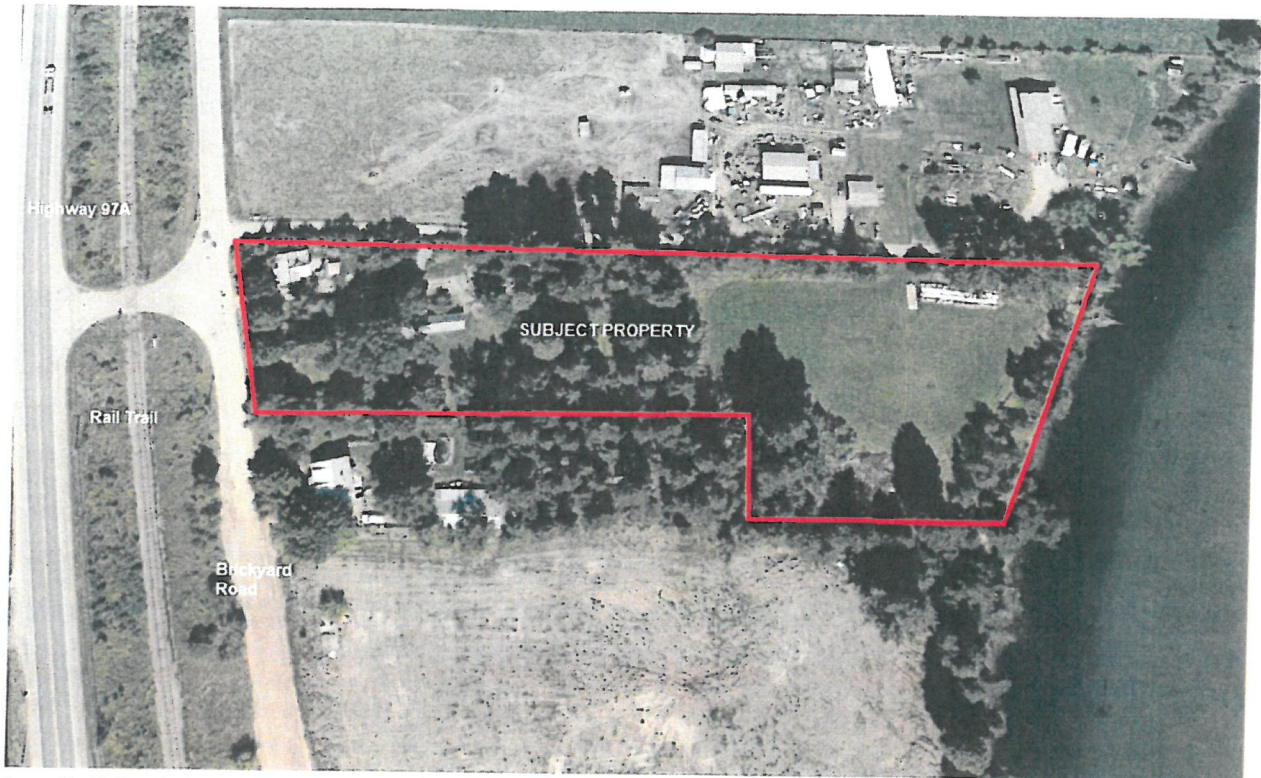


Figure 3: Orthophoto

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

The Proposal

The applicant is proposing to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. In order to facilitate this proposal, the applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone.

A site plan has not been provided by the applicant at this time but would be required at the building permit stage, should this application be supported; if the site plan is not able to demonstrate that the development meets all City of Enderby Zoning Bylaw standards (i.e. required setbacks, minimum off-street parking, etc.) they would be required to seek variances through the Development Variance Permit process. It should also be noted that if this Rezoning Application were to be approved, the applicant would not be tied to their proposal involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. Although the applicant may intend to develop the property in accordance with this proposal, it is important to note that if the application is approved then the property could develop in any manner that is consistent with the Zoning Bylaw and any charges registered against the title of the property (covenants, statutory building scheme, etc.).

ZONING BYLAW:

The subject property is zoned Country Residential (C.R.) and uses permitted within this zone include:

- Accessory buildings and structures;
- Accessory employee residential use;
- Accessory produce and fruit sales;
- Civic and public service use;
- Boarding, lodging, or rooming houses;
- Convalescent, nursing, and personal care homes;
- Intensive agricultural use;
- Limited agricultural use;
- Mobile homes;
- Single family dwellings;
- Two family dwellings;
- Attached Secondary Suites;
- Bed and breakfasts;
- Kennels.

Uses permitted within the proposed General Industrial (I.2) zone include:

- Accessory buildings and structures;
- Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use;
- Civic use;
- Food service including bakeries and coffee shops;
- Limited agricultural use subject to the regulations of Section 501.10.e. of the Zoning Bylaw;
- Public service use;
- Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, heavy equipment and machinery, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site;
- Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, greenhouses, heavy equipment and machinery, laboratories, machine shops, mini storage facilities, nurseries, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops;
- Transportation facilities including passenger transportation depots and taxi dispatch offices;
- Retail sales (including parts and accessories) of heavy equipment and machinery;

- Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair;
- Manufacturing, processing, and storage.

The subject property as compared to the minimum lot requirements of the General Industrial (I.2) zone are as follows:

CRITERIA	PROPOSAL	I.2 ZONE REQUIREMENTS
Minimum Lot Area	12,500 m ² (134,549 square feet)	650 m ² (6,997 square feet)
Minimum Lot Frontage	~55 m (180.4 feet)	20 m (65.62 feet)

OFFICIAL COMMUNITY PLAN:

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

- 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.
- 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.

REFERRAL COMMENTS:

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

The Public Works Manager provided the following comments:

The applicant should be aware that water supply in this area is limited and any change in use will require a review of potential demand, presumably at the building permit stage.

If the proposed change in land use creates a demand that exceeds the current use, the owner may not be permitted to connect to the community system for potable water, non-potable (fire protection) water, or both, or may be allowed to connect only on condition of controlling the demand.

In any case, industrial fireflows cannot be met in this area, so additional fire protection measures may be required as part of any building permit.

I think that it is prudent to ensure that the property is developed in such a way that it will be cost effective for the property owner to connect to community water and sewer services, if and when they are extended.

The Building Inspector provided the following comments:

"I have no concerns from a building perspective. All proposals to conform to the BC Building Code and City of Enderby Building bylaw."

No other comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to rezone the subject property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:


- The proposal is consistent with other land uses occurring within the vicinity, as the subject property is located within an industrial area;
- The Official Community Plan envisions this property developing to an intensive industrial land use over time;
- Given the size of the property and its location within an industrial area, the property is underutilized and developing it to an industrial standard would be the highest and best use of the land;
- The proposal would stimulate additional economic development and job creation within the community;
- Although there is a single-family property directly to the south of the subject property, which may be impacted by the subject property developing to an industrial land use, this neighbouring property is located within an industrial area with existing industrial land uses already occurring within close proximity; furthermore, this neighbouring property is designated as *General Industrial* in the Official Community Plan.

SUMMARY

This report relates to a Rezoning Application for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

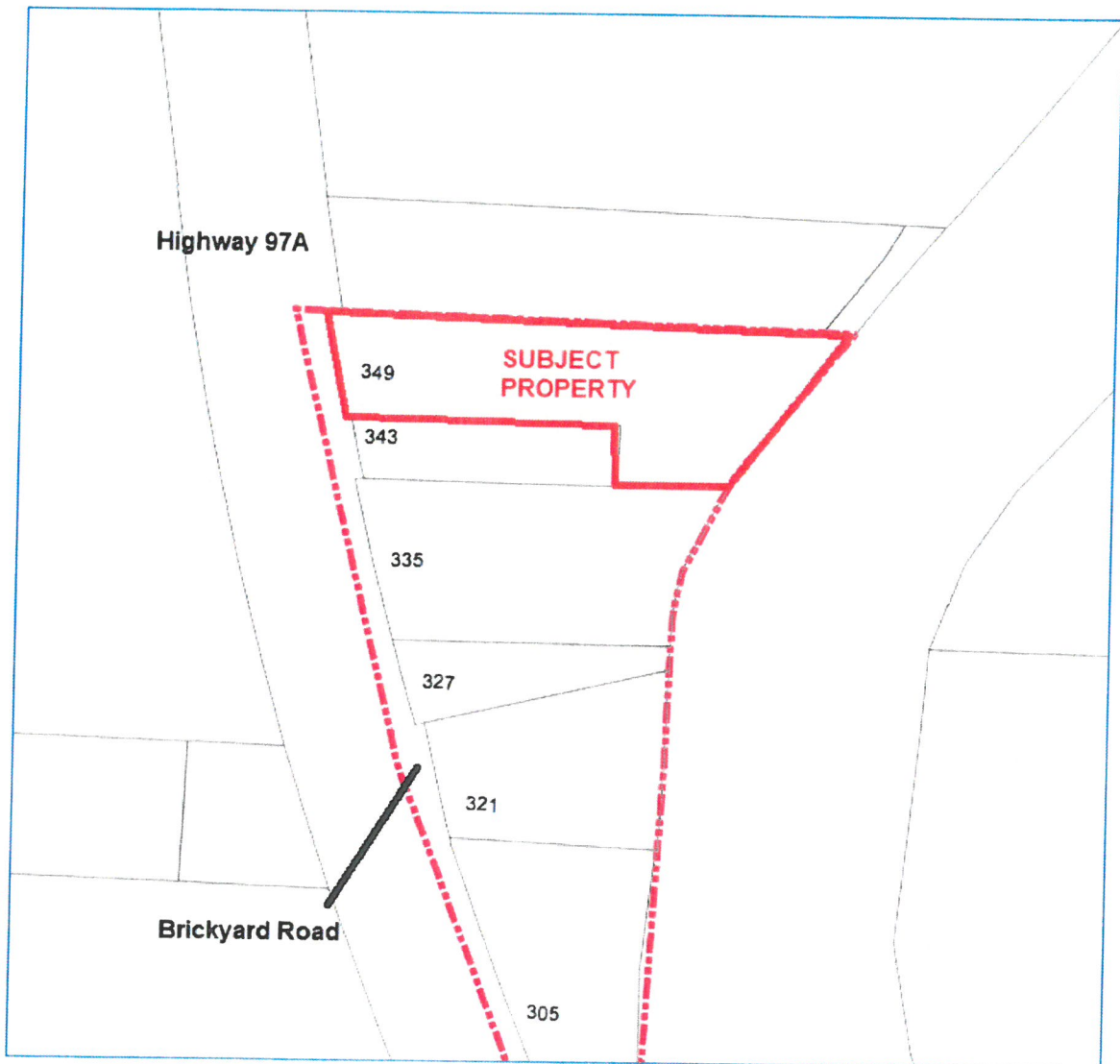
Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
REZONING APPLICATION
SUBJECT PROPERTY MAP

File: 0002-21-RZ-END (Backus)
Applicant: Brandon Backus
Owner: Brandon Backus
Location: 349 Brickyard Road, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1730

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

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

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

WHEREAS Council of the City of Enderby has determined to make an amendment to "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. 1730, 2021".
2. The zoning designation of the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, is hereby changed from the Country Residential (C.R) zone to the General Industrial (I.2) zone.

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

Advertised on the day of , 2021 and the day of , 2021, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2021.

READ a THIRD time this day of , 2021.

ADOPTED this day of , 2021.

MAYOR

CORPORATE OFFICER

**CITY OF ENDERBY
REZONING APPLICATION**

AGENDA

File No: 0002-21-RZ-END

July 7, 2021

APPLICANT: Brandon Backus

OWNER(S): Brandon Backus

LEGAL DESCRIPTION: PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810

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PRESENT ZONING: Country Residential (C.R.)

PROPOSED ZONING: General Industrial (I.2)

**PRESENT O.C.P
DESIGNATION:** General Industrial

PROPOSAL: Industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

RECOMMENDATION:

THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1730, 2021 which proposes to rezone the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, from the Country Residential (C.R.) zone to the General Industrial (I.2) zone be given First and Second Reading and forwarded to a Public Hearing.

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Site Context

The 1.25 hectare (3.09 acre) subject property is relatively flat and is located along the east side of Brickyard Road, along the northern stretch of the corridor which is constructed to a gravel standard. To the east of the property is the Shuswap River.

A single-family home and detached shop are located in the western portion of the lot, while the eastern portion, which was previously used for agricultural purposes, is now lawn. The central portion of the property remains largely treed. Access to the property is gained via a gravel driveway off of Brickyard Road.

The subject property and one of the properties to the south are zoned Country Residential (C.R.) and are designated in the OCP as *General Industrial*; the other property to the south is zoned General Industrial and is designated in the OCP as *General Industrial*. The property to the east is zoned Transportation Corridor (S.2) and is designated in the OCP as *Transportation Corridor*, while the properties to the north are located in Area 'F' of the Regional District of North Okanagan.

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

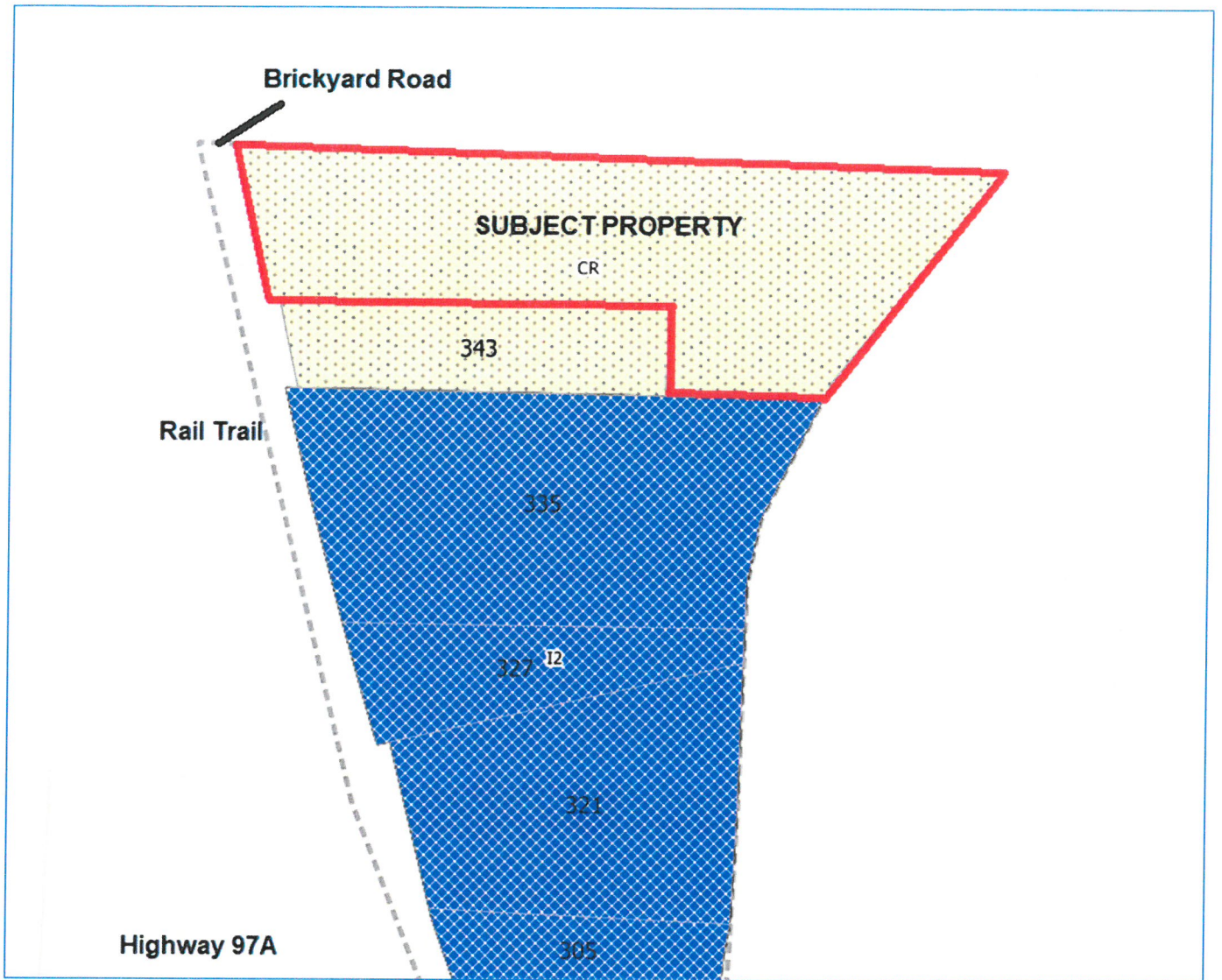


Figure 1. Zoning Map

Dotted – Country Residential (C.R.)

Blue Crosshatch – General Industrial (I.2)

The following orthophoto of the subject and surrounding properties was taken in 2020:



Figure 3: Orthophoto

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

The Proposal

The applicant is proposing to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets. In order to facilitate this proposal, the applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone.

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ZONING BYLAW:

The subject property is zoned Country Residential (C.R.) and uses permitted within this zone include:

- Accessory buildings and structures;
- Accessory employee residential use;
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- Mobile homes;
- Single family dwellings;
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- Kennels.

Uses permitted within the proposed General Industrial (I.2) zone include:

- Accessory buildings and structures;
- Accommodation including one (1) dwelling unit for the owner, operator, or employee of the principal and permitted use;
- Civic use;
- Food service including bakeries and coffee shops;
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- Retail sales (including parts and accessories) of automobiles, building supplies, chemicals, farm equipment (including service), gasoline and motor oil, heavy equipment and machinery, irrigation equipment (including service), lumber, mobile homes (including service), tools and small equipment, trucks, and other products manufactured or processed on site;
- Service and repair including automobile body and paint shops, automobile service and repair, battery shops, boat service and repair, bottling plants, car wash, crematoriums, cold storage plants, frozen food lockers, greenhouses, heavy equipment and machinery, laboratories, machine shops, mini storage facilities, nurseries, petroleum distribution installations, printing shops, recreation vehicle servicing and rental, service stations, sign shops, taxidermists, tire shops, tools and small equipment servicing and rental, trade contractors offices including storage, truck service and repair, truck wash, trucking yards and terminals including cartage and freighting, upholstery shops, warehousing (wholesale and distribution), weigh scales, and welding shops;
- Transportation facilities including passenger transportation depots and taxi dispatch offices;
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- Service and repair including automobile wrecking and junk yards, bulk storage plants, contractors for general and heavy construction, machinery and heavy equipment repair;
- Manufacturing, processing, and storage.

The subject property as compared to the minimum lot requirements of the General Industrial (I.2) zone are as follows:

CRITERIA	PROPOSAL	I.2 ZONE REQUIREMENTS
Minimum Lot Area	12,500 m ² (134,549 square feet)	650 m ² (6,997 square feet)
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OFFICIAL COMMUNITY PLAN:

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

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

The Public Works Manager provided the following comments:

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In any case, industrial fireflows cannot be met in this area, so additional fire protection measures may be required as part of any building permit.

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The Building Inspector provided the following comments:

"I have no concerns from a building perspective. All proposals to conform to the BC Building Code and City of Enderby Building bylaw."

No other comments were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to rezone the subject property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:

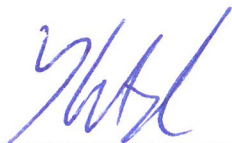
- The proposal is consistent with other land uses occurring within the vicinity, as the subject property is located within an industrial area;
- The Official Community Plan envisions this property developing to an intensive industrial land use over time;
- Given the size of the property and its location within an industrial area, the property is underutilized and developing it to an industrial standard would be the highest and best use of the land;
- The proposal would stimulate additional economic development and job creation within the community;
- Although there is a single-family property directly to the south of the subject property, which may be impacted by the subject property developing to an industrial land use, this neighbouring property is located within an industrial area with existing industrial land uses already occurring within close proximity; furthermore, this neighbouring property is designated as *General Industrial* in the Official Community Plan.

SUMMARY

This report relates to a Rezoning Application for the property located at 349 Brickyard Road, Enderby BC. The applicant is proposing to rezone the property from the Country Residential (C.R.) zone to the General Industrial (I.2) zone, in order to use the parcel for an industrial business involving the storage and dispatch of gravel trucks, septic trucks, heavy equipment and portable toilets.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

REZONING APPLICATION

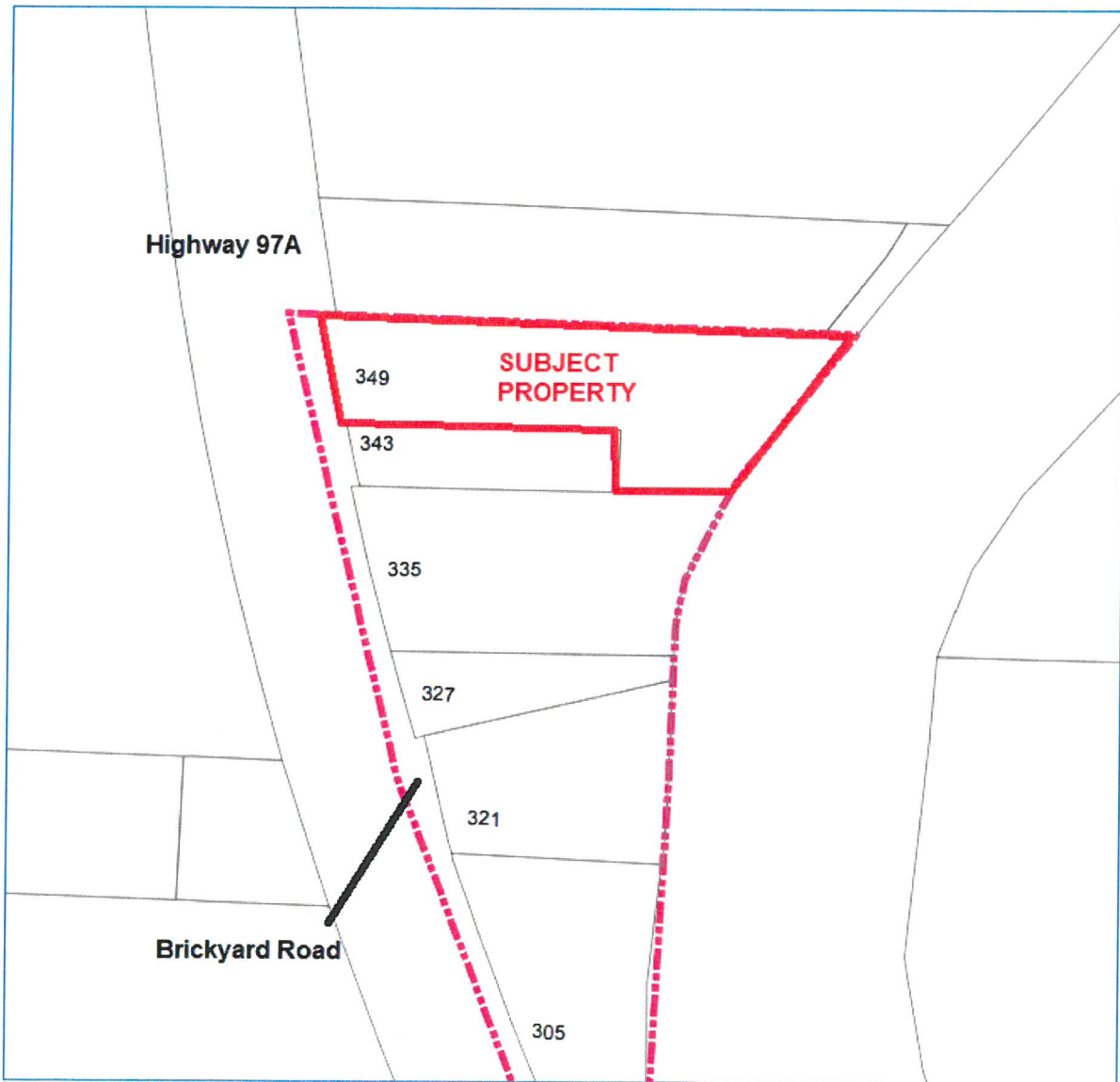
SUBJECT PROPERTY MAP

File: 0002-21-RZ-END (Backus)

Applicant: Brandon Backus

Owner: Brandon Backus

Location: 349 Brickyard Road, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1730

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

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

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

WHEREAS Council of the City of Enderby has determined to make an amendment to "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. 1730, 2021".
2. The zoning designation of the property legally described as PARCEL B (PLAN B6868) OF LOT 2 DISTRICT LOT 226 KAMLOOPS DIVISION YALE DISTRICT AND OF SECTION 35 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1593 EXCEPT PLANS 6122, 6269 AND 16810, and located at 349 Brickyard Road, Enderby BC, is hereby changed from the Country Residential (C.R) zone to the General Industrial (I.2) zone.

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

Advertised on the day of , 2021 and the day of , 2021, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2021.

READ a THIRD time this day of , 2021.

ADOPTED this day of , 2021.

MAYOR

CORPORATE OFFICER