

REGULAR MEETING OF COUNCIL AGENDA

DATE: June 2, 2025
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: 824 9590 1579
Passcode: 387813*

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 June 2, 2025 Council Meeting agenda be approved as circulated.

3. ADOPTION OF MINUTES

3.1 Meeting Minutes of May 20, 2025

Page 7

THAT the May 20, 2025 Council Meeting minutes be adopted as circulated.

4. DELEGATIONS

4.1 MLA David Williams

4.2 Presentation of Enderby Community Wildfire Resiliency Plan

Liam Curran, Fuel Management Specialist, Forsite Fire Group

4.3 Cross Walk at the Pleasant Avenue and Brickyard Road Intersection

Page 13

Presentation by Blake Purr, Member at Large, and Preston Freeman, Grade 9 Representative, A.L. Fortune Student Government

5. DEVELOPMENT MATTERS AND RELATED BYLAWS

5.1 Development Variance Permit #0079-25-DVP-END

Page 14

Legal: LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY

OSOYOOS) DIVISION YALE DISTRICT PLAN 15492
Address: 171 Brickyard Rd, Enderby BC
Applicant: Jaeden Korberg
Owner: Kerry Korberg

5.1.1 Public Input – Development Variance Permit #0079-25-DVP-END

5.1.2 Permit Issuance – Development Variance Permit #0079-25-DVP-END
THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- *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 7.5 m (24.61 feet), as shown on the attached Schedule 'A'; and*
- *Section 901.2.g.i by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.921 feet) to 1 m (3.28 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 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- *Section 901.2.a by increasing the allowable percentage of small-car parking from 40% to 64.35%, as shown on the attached Schedule 'A'; and*
- *Section 901.3 by reducing the minimum number of off-street parking spaces from 16 to 14, as shown on the attached Schedule 'A',*

subject to the property owner satisfying the following conditions:

- 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 development are contained and managed on-site and which shall be a material term of any tenancy agreement; and*
- registering a covenant on the title of the property which states that no building strata may occur until such time as the City has approved internal strata bylaws that ensure that the parking demands associated with the development are contained and managed on-site.*

THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150

KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 308.4.a.i by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0 m, as shown on the attached Schedule 'A';
- Section 309.1.a.ii by waiving the requirement to screen a multi-family parking area where it abuts a lot in a residential zone;
- Section 604.10.d.ii by reducing the minimum rear yard setback for an adult retirement housing dwelling from 6 m (19.68) to 4.56 m (14.96 feet) and 3.65 m (11.98 feet), respectively, as shown on the attached Schedule 'A';
- Section 901.2.b by permitting a maneuvering aisle to be partially obstructed, as shown on the attached Schedule 'A'; and
- Section 901.2.e by waiving the requirement for an off-street parking area to be surfaced with asphaltic concrete or cement pavement, with a gravel surface in-lieu, as shown on the attached Schedule 'A'.

AND FURTHER THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit a variance to Section 308.4.a.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0.5 m (1.64 feet), subject to the following conditions:

- The property owner must agree to the reduced variance request in writing and provide an updated site plan which reflects the 0.5 m (1.64 foot) setback;
- Any setback calculation shall be inclusive of the foundation, pad, and grounding wire, as well as the extent of any cut or fill slope required to achieve the desired elevation, grading, and drainage for the cabinet; and
- The cabinet doors shall be required to open towards the buildings on the subject property rather than towards the road, so that work may occur inside the cabinet without interfering with public property; if this is not achievable due to electrical design or code, such that the cabinet must face towards the road, the setback calculation must also include cabinet door swing clearance.

5.2

Removal of Soil (Extraction) and Placement of Fill Within the ALR

Legal: LOT 1 PLAN KAP54214, DISTRICT LOT 226, KAMLOOPS
DIV OF YALE LAND DISTRICT

Address: 2207 Waterwheel Street, Enderby BC

Applicants: Brock Matejka, Colin Matejka, Gail Matejka

Owners: Brock Matejka, Colin Matejka, Gail Matejka

THAT Council advances the Removal of Soil (Extraction) and Placement of Fill

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Within the ALR Application for 2207 Waterwheel Street, Enderby BC to the Agricultural Land Commission for consideration, subject to the following conditions:

- i. *The applicant shall provide an access control plan for the 2207 Waterwheel Street (including the abutting property to the north – PID: 023-256-583), acceptable to the City of Enderby, which significantly reduces the number of accesses for agricultural vehicles, with the access(es) to be properly constructed for the current and proposed uses and not substantially or unreasonably interfere with other public uses of the road;*
- ii. *The applicant shall provide a road restoration plan for the portion of Waterwheel Street adjacent to 2207 Waterwheel Street (including the abutting property to the north - PID: 023-256-583), acceptable to the City of Enderby, which restores those portions of Waterwheel Street impacted by the current agricultural uses to a standard capable of accommodating normal traffic loads after the implementation of the access control plan referenced above;*
- iii. *The applicant shall enter into a Works and Services Agreement with the City of Enderby to implement the access control plan and road restoration plan following substantial completion of the proposed building(s); and*
- iv. *The applicant shall demonstrate that the current and proposed farm operation at 2207 Waterwheel Street (including the abutting property to the north - PID: 023-256-583) is in accordance with the City of Enderby Zoning Bylaw No. 1550, 2014.*

AND THAT should the applicant satisfy the above conditions and the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC is advanced to the ALC for consideration, the City provides the following comments to the ALC:

The City of Enderby defers to the expertise of the ALC in considering whether the proposal is consistent with the ALC's Necessary Farm Use Structures in the ALR Guidelines.

The applicant has provided the City of Enderby and the ALC with correspondence confirming that no bull riding or bull riding events will occur within the proposed equine and bovine training and genetics facility. It is the City's understanding that bull riding and bull riding events would be considered non-farm uses, therefore should the applicant wish to pursue bull riding as an on-going use on the property in the future, they would be required to submit a Non-Farm Use Application to the ALC and City of Enderby. With respect to bull riding events, given that local governments do not have the authority to prohibit events on ALR lands, the City strongly encourages the ALC to use its authority to prohibit bull riding events from occurring within the proposed facility in order to ensure that the commitments made by the applicant in their written correspondence to the City and the ALC are upheld.

6. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

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

8.1 UBCM 2025 Provincial Meeting Requests and Attendance Page 68

Memo prepared by Chief Administrative Officer dated May 23, 2025
THAT Council identifies the topics for which it wishes to request meetings at the 2025 Union of British Columbia Municipalities (UBCM) convention;

AND THAT Council indicates the request that it wishes to pose at its meetings, the lead spokesperson, and the members who are planning to attend;

AND FURTHER THAT Council indicates any meeting topics for which it wishes staff to prepare an information brief.

8.2 Feedback to Province on Proposed Changes to Closed Council and Board Meetings Page 70

Memo prepared by Chief Administrative Officer dated May 26, 2025
THAT Council supports the Province's proposed amendments to section 90 of the Community Charter which:

- *Allow a Council meeting to be closed to prevent harm to an Indigenous people's ability to maintain, control, protect, or develop cultural heritage, traditional knowledge, traditional cultural expressions, or manifestations of their sciences, technologies, and cultures; and*
- *Require a Council meeting to be closed when it relates to the consideration of information received and held in confidence relating to negotiations between the local government and an Indigenous government, on the same basis as is the case for negotiations between local governments and provincial and federal levels of government.*

AND THAT Council directs staff to send correspondence to the Ministry of Housing and Municipal Affairs indicating its support for the proposed amendments to section 90 of the Community Charter.

8.3 Revised Floodplain Maps and Forthcoming Provincial Floodplain Development Guidelines Page 77

Memo prepared by Chief Administrative Officer dated May 28, 2025
THAT Council defers consideration of the revised floodplain maps provided by Fraser Basin Council until the modernized Provincial Floodplain Development Guidelines are adopted by the Province;

AND THAT Council requests that the Province ensure that the modernized Provincial Floodplain Development Guidelines provide practical solutions to support the reasonable and responsible implementation of the revised floodplain maps by local government;

AND FURTHER THAT Council requests that the Province delay publicly posting the revised floodplain maps for the City of Enderby until the modernized Provincial Floodplain Development Guidelines are adopted by the Province and the City of

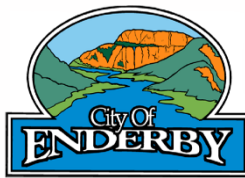
Enderby has had reasonable time to evaluate the revised floodplain maps in conjunction with the modernized guidelines.

- 8.4 Temporary Road Closure Application – Canada Day Parade 2025
Memo prepared by Manager of Strategic Priorities & Community Services dated May 28, 2025
THAT Council receives the City of Enderby Event Coordinator's Temporary Road Closure application (Canada Day Parade 2025) for information.

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9. PUBLIC QUESTION PERIOD

10. ADJOURNMENT



THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Tuesday, May 20, 2025 at 4:30 p.m. in Council Chambers.

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

Absent: Mayor Huck Galbraith

Staff: Chief Administrative Officer – Tate Bengtson
Chief Financial Officer – Jennifer Bellamy
Manager of Planning, Community Safety and Bylaw Compliance – Kurt Inglis
Manager of Strategic Priorities and Community Services – Kelsey Campbell
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 Schreiner, seconded by Councillor Ramey
THAT the May 20, 2025 Council Meeting agenda be approved as circulated.

CARRIED

ADOPTION OF MINUTES

Meeting Minutes of May 5, 2025

Councillor Shishido noted a typographic error on page 4 of the minutes of the meeting of May 5, 2025.

Moved by Councillor Shishido, seconded by Councillor Yerhoff
THAT the May 5, 2025 Council Meeting minutes be adopted as amended.

CARRIED

CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS

Councillor Davyduke arrived at 4:50 p.m.

Curling Club Request for Replacement Dehumidifier Grant Funding

Chief Administrative Officer gave an overview of the memo and recommendation. Explained that if the dehumidifier is not at imminent risk of failure, there is an opportunity to work its replacement into a future grant application that will maximize the value of contributions from both the Curling Club and the Commission.

Council discussed the Curling Club's financial statements with Steve Campbell and Paul Darbyshire of the Curling Club, and asked questions about the proposed creation of a club manager position, potential replacement of the carpet and sound system, and increase in cost to internet and security.

Mr. Darbyshire responded that there are ongoing discussions about the creation of a club manager position and replacement of the carpet and sound system, but that these items are not being actioned yet. Explained that the increase in cost to internet and security came with the upgrade to fibre optic.

Council discussed that, while the dehumidifier is old, it is still functioning, and a condition assessment would allow for an evidence-based decision on whether its replacement is urgent.

Councillor Shishido asked if the dehumidifier could be replaced now and its cost added to a future grant.

Chief Administrative Officer responded that eligible expenses for a grant must take place after the application date typically, and then at the risk of the applicant.

Council discussed that a second dehumidifier was given to the curling club at the same time as the one that is running for parts, and that those parts may be able to be used to extend the life of the dehumidifier that is in service.

Moved by Councillor Ramey, seconded by Councillor Shishido

THAT Council requests that the Curling Club obtain a condition assessment of its dehumidifier evaluating for its remaining operating life and provides recommendations on operations and maintenance, if applicable;

AND THAT, subject to the condition assessment indicating that the dehumidifier is likely to have at least one season of remaining operating life provided the operation and maintenance recommendations contained in the assessment are implemented, Council invites the Curling Club to request of the Enderby & District Services Commission that its dehumidifier replacement be included in a forthcoming grant application for renewing various components of the John Pritchard Memorial Sports Complex, with the Curling Club being responsible for the proportional share of the local cost contribution attributable to its dehumidifier;

AND FURTHER THAT, subject to the condition assessment indicating that the dehumidifier is at imminent risk of failure, for which operation and maintenance recommendations would be unreasonable or imprudent to implement, Council refers the Curling Club's request to the Enderby & District Services Commission for a decision on its dehumidifier grant request.

CARRIED

BYLAWS

Water and Sprinkling Regulation Bylaw No. 1468, 2010 Amendment Bylaw No. 1817, 2025

Moved by Councillor Shishido, seconded by Councillor Ramey
THAT Council adopts the bylaw cited as “City of Enderby Water and Sprinkling Regulation Bylaw No. 1468, 2010 Amendment Bylaw No. 1817, 2025”.

CARRIED

Property Tax Prepayment Plan Bylaw No. 1400, 2007 Repeal Bylaw No. 1816, 2025

Moved by Councillor Schreiner, seconded by Councillor Shishido
THAT Council adopts the bylaw cited as “City of Enderby Property Tax Prepayment Plan Bylaw No. 1400, 2007 Repeal Bylaw No. 1816, 2025”.

CARRIED

REPORTS

Mayor and Council Reports

Councillor Shishido

Nothing to report.

Councillor Yerhoff

Attended a FACT meeting. The Harvest Hut will be open starting the first Monday in June. Things are going well with the Good Food Box. The Food Bank will be participating in the farmers market coupon program.

Had a meeting with Jody Fobe of the Enderby & District Chamber of Commerce. The Chamber is focused on increasing membership. They have invited Council to their upcoming Women’s Golf Night and Business After 5 events.

Attended the Grad Parade and the Mothers Day Breakfast.

Councillor Schreiner

Nothing to report.

Councillor Ramey

Attended the Prom Parade and reported that it was great. There was a good turnout from the community.

Attended an Enderby & District Arts Council Meeting and reported that they are thankful for the grant received from the City. They continue to look for more members.

Councillor Davyduke

Attended the Enterprize Challenge final showcase. Congratulated North Okanagan Consulting, an Enderby business, for their third-place finish.

Attended the plant share at the Harvest Hut and reported that it was a great event. There is much excitement about the potential for a future community garden along the rail trail.

Acting Mayor Baird

Reported that it's been great to have the Farmers Market back downtown on Fridays.

Noted that the Library renovations are looking good.

There are herbs grown at the Harvest Hut that are available to the public.

Chief Administrative Officer

Construction of the lower reservoir is progressing. The forms for the walls are now being placed.

Pool construction work should begin this week. The first step will be creating a storm service, which the civil subcontractor will be doing. Staff are coordinating with the construction manager for when the water and sewer services need to be created, which will impact King Avenue. There will be an electrical service switch over at some point in June, which is expected to result in a one-day outage to pool operations. Recreation Services have been notified to expect this, but the precise day depends on BC Hydro's schedule. There will also be some tree removals happening on the north side of the park in front of what will be the future building access.

Thanked Public Works for installing the new trees in Barnes Park, on Cliff Avenue, and north of the Arena.

Planning is under way for the Canada Day event. The parade will be going in the opposite direction this year, given that the event will be located in Riverside Park. There will be a car show, activities and games, cake, and fireworks. Thanked the Manager of Strategic Priorities and Community Services and the Events Coordinator for their work on the event.

The new Parks position has closed. Staff are shortlisting and setting up interviews this week.

The new digital sign for the arena is scheduled to be installed on May 26th.

Staff are getting ready for offsite works associated with new development to proceed within the next few weeks, including the installation of a water main adjacent to 247 Brickyard Road and new services at 506 Cliff Avenue. In both cases, single-lane alternating traffic flow will be maintained, but congestion should be expected in the downtown core for the Cliff Avenue works due to limitations on traffic flow. There will be extensive traffic control in place for the 506 Cliff Avenue works.

The City's electrical contractor is completing the final electrical works on the back-up power system at the Fire Hall, which will enable the Hall to operate during a prolonged outage, including enabling the compressor to operate so that air packs can be recharged.

Thanked the new campground managers for their quick and professional response during the RV fire this past weekend. Staff are now proceeding with clean-up and site restoration, which

should be covered through an ICBC claim. Staff will be doing a debrief soon to discuss the event in more detail.

The new cremation section at the cemetery suffered damage during a recent windstorm. Reported that a contractor meeting was held on site to discuss a remedial action plan, which should be executed over the course of the next week. The new fence section will be reinstated after. None of the cremation plots in the new section are occupied.

The City's small paving contractor will be coming through within the next 1-2 weeks to deal with an initial round of patches. Among the patches will be the larger excavation on Kate Street south of Kildonan Avenue, where the heaved pavement has been levelled off.

Councillor Schriener asked about the unconstructed road off of Preston Drive West and whose responsibility it is if that area becomes unsightly.

Chief Administrative Officer responded that it would be the City's responsibility to maintain, but that it would not be maintained to a lawn standard. Staff will visit the lot to identify if it is unsightly and mow if necessary.

Councillor Schreiner asked about the approach to unsightly properties in the City.

The Manager of Planning, Community Safety and Bylaw Compliance replied that bylaw compliance uses a hybrid approach, addressing complaints as well as conducting patrols. Explained that there have been a number of properties that were contacted by the Bylaw Enforcement Officer in the past few weeks for unsightliness.

Councillor Ramey requested that a road sign be re-instated for Granville Avenue on George Street.

Chief Administrative Officer responded that the street sign would be re-instated.

Councillor Shishido asked if there will be water available to the Musebo during pool construction.

Chief Administrative Officer responded that he believes that water will still be available to the Musebo during construction.

Vernon North Okanagan Detachment: 1st Quarter (January to April) 2025

Moved by Councillor Ramey, seconded by Councillor Yerhoff
THAT Council receives and files the report titled Vernon North Okanagan Detachment: 1st Quarter (January to April) 2025.

CARRIED

RDNO Building Permit Report – April 2025

Moved by Councillor Shishido, seconded by Councillor Ramey
THAT Council receives and files the RDNO Building Permit Report – April 2025.

CARRIED

NEW BUSINESS

Granville Avenue (West of George Street) Award of Construction Contract

Moved by Councillor Shishido, seconded by Councillor Ramey

THAT Council awards the construction contract for the 2025 capital road project, Granville Avenue (West of George Street), in the amount of \$1,156,012, to Mounce Construction Ltd.

CARRIED

PUBLIC QUESTION PERIOD

There were no questions from the public.

CLOSED MEETING RESOLUTION

Moved by Councillor Yerhoff, seconded by Councillor Shishido

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) (e) and (k) of the Community Charter.

CARRIED

ADJOURNMENT

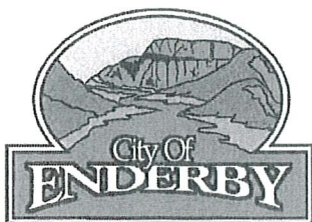
Moved by Councillor Ramey, seconded by Councillor Yerhoff

THAT the regular meeting of May 5, 2025 adjourn at 5:51 p.m.

CARRIED

ACTING MAYOR

CORPORATE OFFICER



REQUEST TO APPEAR AS A DELEGATION

On 02 June 2025
Day Month Year

Date of Request May 16 2025

Name of Person Making Request Blake Purrr

Name and Title of Presenter(s) Blake Purrr, member at
large Preston Freemaq, grade 9 representative

Contact Information [REDACTED]

Details of Presentation power point and supporting
information.

Desired Action from Council (check all that apply)

- ☐ Information Only
- ☐ Proclamation
- ☒ Funding Request
- ☐ Policy or Resolution

Please describe desired action in detail To put a cross
walk on the pleasant ave and
Brickyard road intersection.

Please attach any supporting documentation or presentation materials related to your delegation request. Please provide to staff at least one day in advance a digital copy of any presentation materials that you wish to have projected onto the conference screen.

CITY OF ENDERBY
DEVELOPMENT VARIANCE PERMIT APPLICATION

AGENDA

File No: 0079-25-DVP-END

May 28, 2025

APPLICANT: Kerry Korberg

OWNER(S): Jaeden Korberg

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

PID #: 008-818-231

LOCATION: 171 Brickyard Road, Enderby BC

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

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

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

PROPOSAL: Subdivision with adult retirement housing development on proposed new parcel

**PROPOSED
VARIANCES:** Reduce minimum front yard setback for accessory building; waive requirement to screen multi-family parking area; reduce minimum rear yard setback for adult retirement housing dwelling; increase allowable percentage of small-car parking; reduce minimum width of an unobstructed maneuvering aisle; permit a maneuvering aisle to be partially obstructed; waive paving requirements for off-street parking area; reduce minimum setback between a parking space and a dwelling; reduce minimum number of off-street parking spaces

RECOMMENDATION:

THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- 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 7.5 m (24.61 feet), as shown on the attached Schedule 'A'; and
- Section 901.2.g.i by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.921 feet) to 1 m (3.28 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 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 901.2.a by increasing the allowable percentage of small-car parking from 40% to 64.35%, as shown on the attached Schedule 'A'; and
- Section 901.3 by reducing the minimum number of off-street parking spaces from 16 to 14, as shown on the attached Schedule 'A',

subject to the property owner satisfying the following conditions:

- i. 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 development are contained and managed on-site and which shall be a material term of any tenancy agreement; and
- ii. registering a covenant on the title of the property which states that no building strata may occur until such time as the City has approved internal strata bylaws that ensure that the parking demands associated with the development are contained and managed on-site.

THAT Council NOT authorize the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 308.4.a.i by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0 m, as shown on the attached Schedule 'A';
- Section 309.1.a.ii by waiving the requirement to screen a multi-family parking area where it abuts a lot in a residential zone;
- Section 604.10.d.ii by reducing the minimum rear yard setback for an adult retirement housing dwelling from 6 m (19.68) to 4.56 m (14.96 feet) and 3.65 m (11.98 feet), respectively, as shown on the attached Schedule 'A';
- Section 901.2.b by permitting a maneuvering aisle to be partially obstructed, as shown on the attached Schedule 'A'; and
- Section 901.2.e by waiving the requirement for an off-street parking area to be surfaced with asphaltic concrete or cement pavement, with a gravel surface in-lieu, as shown on the attached Schedule 'A'.

AND FURTHER THAT Council authorizes the issuance of a Development Variance Permit for the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 15492, and located at 171 Brickyard Road, Enderby BC., to permit a variance to Section 308.4.a.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0.5 m (1.64 feet), subject to the following conditions:

- The property owner must agree to the reduced variance request in writing and provide an updated site plan which reflects the 0.5 m (1.64 foot) setback;
- Any setback calculation shall be inclusive of the foundation, pad, and grounding wire, as well as the extent of any cut or fill slope required to achieve the desired elevation, grading, and drainage for the cabinet; and
- The cabinet doors shall be required to open towards the buildings on the subject property rather than towards the road, so that work may occur inside the cabinet without interfering with public property; if this is not achievable due to electrical design or code, such that the cabinet must face towards the road, the setback calculation must also include cabinet door swing clearance.

BACKGROUND:

This report relates to a Development Variance Permit application for the property located at 171 Brickyard Road. The owner is in the process of subdividing the property in order to create one new lot, as shown on the attached Schedule 'B'. The new lot is proposed to be used for adult retirement housing and, as part of this proposed future development, the applicant is seeking variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014, as shown on the attached Schedule 'A':

- Section 308.4.a.i by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0 m;
- Section 309.1.a.ii by waiving the requirement to screen a multi-family parking area where it abuts a lot in a residential zone;
- Section 604.10.d.ii by reducing the minimum rear yard setback for an adult retirement housing dwelling from 6 m (19.68) to 4.56 m (14.96 feet) and 3.65 m (11.98 feet), respectively;
- Section 901.2.a by increasing the allowable percentage of small-car parking from 40% to 64.35%;
- 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 7.5 m (24.61 feet);
- Section 901.2.b by permitting a maneuvering aisle to be partially obstructed;
- Section 901.2.e by waiving the requirement for an off-street parking area to be surfaced with asphaltic concrete or cement pavement, with a gravel surface in-lieu;
- Section 901.2.g.i by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.921 feet) to 1 m (3.28 feet); and
- Section 901.3 by reducing the minimum number of off-street parking spaces from 16 to 14.

Site Context

The 1,900 m² (0.4695 acre) subject property is located on the east side of Brickyard Road, directly to the east of the Rail Trail and to the west of AL Fortune Secondary School. A single-family dwelling, built in 1901, is located in the southwest corner of the property while two accessory residential buildings are located in the northeast corner of the property. The property is flat and access is gained via a gravelled driveway off of Brickyard Road. The property is located in the 1:200 year floodplain.

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

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

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



Figure 1: Zoning Map

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

The following orthophoto of the subject and surrounding properties was taken in 2024:



Figure 2: Orthophoto

Development History

In 2019, the applicant submitted a Joint Official Community Plan Amendment and Rezoning Application which proposed to rezone the property from the Residential Single Family (R.1) zone to the Residential Multi-Family Medium Intensity (R.3) zone and to change the Official Community Plan designation of the property from Residential Low Density to Residential Medium Density; the purpose of the application was to facilitate an adult retirement housing development. The application was approved by Council, subject to the applicant providing screening along the property boundaries adjacent to residential parcels, with such screening to be in accordance with the Zoning Bylaw's height restrictions.

In 2022, the applicant submitted an application proposing to subdivide the property in order to create one new lot, as shown on the attached Schedule 'B'. The existing single-family dwelling is proposed to be located

on the smaller southern parcel, while the larger northern lot is proposed to be used for a future adult retirement housing development. As part of the proposed subdivision, the applicant submitted a Development Variance Permit seeking variances to the City of Enderby Zoning Bylaw No. 1550, 2014 in order to, i) reduce the minimum lot area for adult retirement housing from 1,900 m² (20,452 square feet) to 1,461 m² (15,727 square feet), ii) reduce the minimum rear yard setback area for a single family dwelling from 6 m (19.68 feet) to 2.97 m (9.75 feet), and iii) reduce the minimum lot frontage for a panhandle lot that cannot be further subdivided from 10 m (32.81 feet) to 9 m (29.53 feet). Furthermore, the applicant sought variances to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to, i) not require Brickyard Road adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards, ii) not require Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, iii) not require a direct connection to the community sanitary sewer system for the proposed new lot with the existing single-family dwelling, iv) defer the requirement to design and construct a storm drainage system to a future subdivision or Building Permit stage, v) not require the provision of ornamental street lighting, and vi) not require the provision of underground wiring for power, telephone and cablevision. Lastly, the applicant applied for a lot frontage waiver for both of the proposed lots. The lot frontage waiver and all of the requested variances were approved (some with conditions) except the variance request to not construct Brickyard Road to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, which was denied by Council. In 2023, the applicant re-applied for a Development Variance permit seeking a variance to not require Brickyard Road adjacent to the proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards, or to provide a cash-in-lieu payment equal to the cost of those works, which was again denied by Council.

As the applicant has progressed through the subdivision application process, they have pursued the planning for site servicing for the future adult retirement housing development concurrently. This has resulted in the applicant proceeding with installing site services for the adult retirement housing development without having a servicing plan that had been accepted by the City. The applicant has continued to pursue the subdivision and site servicing processes concurrently and now has an accepted site servicing plan. It should be noted that the City's acceptance of the site servicing plan was limited to ensuring that the proposed works are consistent with the City of Enderby Subdivision Servicing and Development Bylaw and good engineering standards, and did not involve a review of the proposed development for consistency with the Zoning Bylaw. A more typical process would have involved the completion of the two-lot subdivision, followed by the submission of a Building Permit application and site servicing plan. At no point in time has the City made any representations that its acceptance of the servicing plan constituted an approval of the broader development plan for the proposed adult retirement housing development.

The Proposal

The applicant is proposing to subdivide the property in accordance with the attached Schedule 'B', with the existing single-family dwelling to be located on the smaller southern parcel and a future adult retirement housing development to be located on the larger northern Lot.

The proposed adult retirement housing development is shown on the attached Schedule 'A'. The proposed development involves the construction of 8 principal buildings, each being a standalone dwelling up to 7-10 m

(22.97-32.81 feet) in height. The western portion of the property would be used as an off-street parking area, which is proposed to be a gravel standard. The two existing accessory residential buildings (green house and pavilion) in the northeast corner of the property are proposed to remain and be integrated into the future development. A wetland pond is proposed to be located along the eastern property line and is intended to accommodate the drainage runoff associated with the proposed development. A BC Hydro meter cabinet is proposed to be constructed on the western property boundary, directly adjacent to the off-street parking area.

As part of the proposed development, the applicant is seeking variances to the following sections of the City of Enderby Zoning Bylaw No. 1550, 2014:

- Section 308.4.a.i by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0 m;
- Section 309.1.a.ii by waiving the requirement to screen a multi-family parking area where it abuts a lot in a residential zone;
- Section 604.10.d.ii by reducing the minimum rear yard setback for an adult retirement housing dwelling from 6 m (19.68) to 4.56 m (14.96 feet) and 3.65 m (11.98 feet), respectively;
- Section 901.2.a by increasing the allowable percentage of small-car parking from 40% to 64.35%;
- 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 7.5 m (24.61 feet);
- Section 901.2.b by permitting a maneuvering aisle to be partially obstructed;
- Section 901.2.e by waiving the requirement for an off-street parking area to be surfaced with asphaltic concrete or cement pavement, with a gravel surface in-lieu;
- Section 901.2.g.i by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.921 feet) to 1 m (3.28 feet); and
- Section 901.3 by reducing the minimum number of off-street parking spaces from 16 to 14.

The applicant has submitted correspondence outlining their reasons for Council's support of their variance requests, which is attached as Schedule 'C'.

ZONING BYLAW:

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

- Apartment and multi-family residential;
- Adult retirement housing;
- Four family dwellings;
- Three family dwellings;
- Two family dwellings;
- Single family dwellings;
- Attached secondary suites;
- Detached secondary suites;
- Row housing;

- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing and personal care homes;
- Restricted agricultural use;
- Bed and breakfasts;
- Civic and public service use; and
- Keeping of backyard hens and bees.

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

CRITERIA	R.3 ZONE REQUIREMENTS	PROPOSAL
Lot Area (min.)	1,900 m ² for adult retirement housing	1,461 m ² (15,727 square feet) for adult retirement housing – PREVIOUSLY VARIED
Lot Coverage (max.)	50%	< 50%
Lot Frontage (min.)	35 m (114.8 feet) for adult retirement housing Not less than one-tenth of the perimeter of the parcel	17.93 m (58.83 feet) for proposed Remainder Lot for adult retirement housing – LOT FRONTAGE WAIVER PREVIOUSLY GRANTED Less than one-tenth of the perimeter of the parcels – LOT FRONTAGE WAIVER PREVIOUSLY GRANTED
Setbacks for Principal Buildings (min.)		
Front Yard	6 m (19.68 feet)	> 6 m (19.68 feet)
Rear Yard	6 m (19.68 feet)	4.56 m (14.96 feet) and 3.65 m (11.98 feet)
Side Yard	1.2 m (3.94 feet)	1.2 m (3.94 feet)
Other Buildings	3 m (9.842 feet)	3 m (9.842 feet)
Setbacks for Accessory Residential Buildings (min.)		
Front Yard	8 m (26.25 feet)	0 m (0 feet)
Rear Yard	1.5 m (4.92 feet)	
Side Yard	1.5 m (4.92 feet)	
Other Buildings	3 m (9.842 feet) unless building is less than 10 m ² (107.6 square feet), in which it is exempt	1.4 m (4.59 feet) but building is less than 10 m ² (107.6 square feet) - EXEMPT

CRITERIA	R.3 ZONE REQUIREMENTS	PROPOSAL
Screening	Where a multi-family residential parking area abuts a lot in a residential zone, screening of 2 m (6.562 feet) in height shall be provided along the common property boundary **Screening required along the northern and southern property boundaries where the existing lot (i.e. current lot configuration prior to any subdivision) abuts residential parcels, as per the condition of Council's original rezoning approval	No screening along the common property boundary where the parking area abuts a lot in a residential zone
Allowable Percentage of Small-Car Parking	40%	64.35%
Width of Maneuvering Aisle for Right Angle Off-Street Parking Spaces (min.)	8 m (26.25 feet)	7.5 m (24.61 feet)
Layout of Maneuvering Aisles	Must be unobstructed	Partially obstructed
Number of off-street parking spaces (min.)	16	14
Off-street parking space dimension (min.)	Typical = 6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width Small Car = 5.2 m (17.06 feet) in length, 2.3 m (7.546 feet) in width	Typical = 6 m (19.68 feet) in length, 2.8 m (9.186 feet) in width Small Car = 5.2 m (17.06 feet) in length, 2.3 m (7.546 feet) in width
Off-street parking space and maneuvering aisle construction standards	Paved and curbed	Gravel and no curbs
Setback between a parking space and a dwelling (min.)	1.5 m (4.921 feet)	1 m (3.28 feet)

OFFICIAL COMMUNITY PLAN:

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

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

- Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

REFERRAL COMMENTS:

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

The City's Public Works Manager provided the following comments in response to the referral:

For the reduction of the minimum front yard setback for an accessory residential structure to 0 m, I would recommend the following:

- a) That a front yard setback of no less than 0.5 m be required. As Brickyard Road is a collector road that will be upgraded in the future, including an adjacent sidewalk, there will be elevation changes to the road at property line for which an electrical cabinet set at 0 m will interfere with those future works and services.*
- b) That the setback be clarified as applying to the entirety of the cabinet structure including the foundation, pad, and grounding wire, as well as the extent of any cut or fill slope required to achieve the desired elevation, grading, and drainage for the cabinet.*
- c) That the cabinet doors be required to open towards the buildings on the subject property rather than towards the road, so that work may occur inside the cabinet without interfering with public property. If this is not achievable due to electrical design or code, such that the cabinet must face towards the road, the setback calculation must also include cabinet door swing clearance.*

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

PLANNING ANALYSIS:

Front Yard Setback for an Accessory Residential Structure

The applicant is requesting to vary section 308.4.a.i of the Zoning Bylaw by reducing the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0 m, as shown on the attached Schedule 'A'. This proposed structure is a BC Hydro meter cabinet and is intended to accommodate the proposed hydro servicing for the lot. It is not anticipated that the proposed location would negatively impact the usability of the off-street parking area and given the limited size and footprint of the cabinet (96" wide, 24" deep, 88" tall), it is not anticipated that the proposed siting of the structure would detract from the character of the neighbourhood nor significantly impact sight lines for vehicles looking to gain access on to Brickyard Road from the site. However, as described by the Public Works Manager in his referral comments, Brickyard Road is a collector road that will be upgraded in the future, including an adjacent sidewalk, there will be elevation changes to the road at property line for which an electrical cabinet set at 0 m will interfere with those future works and services; given this, he has recommended a front yard setback area of no less than 0.5 m (1.64 feet) for the proposed accessory residential structure (BC Hydro meter cabinet). For these reasons, it is recommended that Council not support the applicant's original variance request.

Notwithstanding the above, in accordance with the Public Works Manager's referral comments, it is recommended that Council support a variance to reduce the minimum front yard setback for an accessory residential structure from 8 m (26.25 feet) to 0.5 m (1.64 feet), subject to the following conditions:

- The property owner must agree to the reduced variance request in writing and provide an updated site plan which reflects the 0.5 m (1.64 foot) setback;
- Any setback calculation shall be inclusive of the foundation, pad, and grounding wire, as well as the extent of any cut or fill slope required to achieve the desired elevation, grading, and drainage for the cabinet; and
- The cabinet doors shall be required to open towards the buildings on the subject property rather than towards the road, so that work may occur inside the cabinet without interfering with public property; if this is not achievable due to electrical design or code, such that the cabinet must face towards the road, the setback calculation must also include cabinet door swing clearance.

Screening of Multi-Family Parking Area

The City of Enderby Planner has concerns with respect to the applicant's request to vary section 309.1.a.ii of the Zoning Bylaw by waiving the requirement to screen a multi-family parking area where it abuts a lot in a residential zone, as shown on the attached Schedule 'A'. The applicant is proposing to only screen the southern boundary of the proposed southern lot upon which the existing single family dwelling would be situated, and the northeast boundary of the northern lot upon which the adult retirement housing development would be situated.

As discussed in the 'Development History' section of this report, Council's approval of the original Joint Official Community Plan Amendment and Rezoning Application for the property in 2019 was subject to the applicant providing screening along the property boundaries adjacent to residential parcels, with such screening to be in accordance with the Zoning Bylaw's height restrictions; this was intended to minimize any potential visual impacts associated with the proposed adult retirement housing development. The applicant's request to waive the requirement to screen the proposed parking area where it abuts a lot in a residential zone is inconsistent with the principles of Council's original condition for rezoning the property, and it is anticipated that the lack of screening of the parking area could result in visual impacts for current and future owners of the adjacent residential properties. Although the applicant has stated in their 'Reasons in Support of Application' correspondence that the owners of the neighbouring residential property to the north are not in favour of the applicant installing an additional fence, and the applicant owns the proposed lot to the south that will abut the parking area of the proposed adult retirement housing development, Staff note that a lack of screening for the parking area could result in conflicts in the future as a result of visual impacts, particularly in the event that these neighbouring residential properties are sold to new owners in the future. For these reasons, it is recommended that Council not support the variance request.

Rear Yard Setback for Adult Retirement Housing Dwellings

The City of Enderby Planner has concerns with the applicant's request to vary section 604.10.d.ii of the Zoning Bylaw by reducing the minimum rear yard setback for an adult retirement housing dwelling from 6 m (19.68) to 4.56 m (14.96 feet) and 3.65 m (11.98 feet), respectively, as shown on the attached Schedule 'A'.

Generally speaking, variances are intended to address situations where there are specific site constraints or characteristics which result in impediments to practical development, such as topography, lot size, or lot shape. However, in this case the property has favourable site characteristics as it is large, flat, and has a lot shape that is not impracticable to develop. The applicant is looking to construct 8 standalone adult retirement housing dwellings on the proposed northern lot, which is an inefficient use of the land due to the required minimum setbacks between the buildings. Given the favourable site characteristics, there are more efficient ways in which the applicant could achieve the development of 8 units of adult retirement housing on the property without needing to significantly encroach into the rear yard setback area. Give that there are no practical reasons in support of significant reductions to the minimum rear yard setbacks for principal buildings, and such a reduction to the rear yard setbacks could result in significant visual impacts to the adjacent property to the north (AL Fortune School), it is recommended that Council not support the variance request.

Small Car Parking and Number of Off-Street Parking Spaces

The City of Enderby Planner raises no objections to the applicant's request to vary sections 901.2.a and 901.3 of the Zoning Bylaw by increasing the allowable percentage of small-car parking from 40% to 64.35%, and reducing the minimum number of off-street parking spaces from 16 to 14, as shown on the attached Schedule 'A', so long as steps are taken to ensure that the parking demands associated with the proposed development are properly contained and managed on-site; failure to do so could result in parking from the proposed development spilling out to the broader neighbourhood, which is of particular concern given that Brickyard Road is a collector road with a high volume of traffic, and could have limited on-street parking if the road is redesigned as part of a future rebuild (example: sidewalk installed on the eastern side of the road corridor instead of a large boulevard area). If the adult retirement housing development occurs through a building strata (i.e. individual buildings are privately owned but common property and limited common property are jointly owned by the strata corporation), a lack of adequate strata bylaws to properly manage for on-site parking could result in the individual unit owners having cumulative parking demands which exceed the proposed supply of 14 off-street parking spaces. Alternatively, if the proposed adult retirement housing development occurs through a rental model, if the units are rented to individuals who only have larger sized vehicles, this could result in a demand for typical-sized parking spaces that exceeds the proposed supply of 5 typical-sized parking spaces.

Given the above, it is recommended that Council support the variance request subject to the property owner satisfying the following conditions:

- i. 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 development are contained and managed on-site and which shall be a material term of any tenancy agreement; or
- ii. registering a covenant on the title of the property which states that no building strata may occur until such time as the City has approved internal strata bylaws that ensure that the parking demands associated with the development are contained and managed on-site.

By requiring the above, it will provide the City with a mechanism to ensure that the off-street parking is adequately contained and managed on site, regardless of the ownership model that the property owner pursues for the proposed adult retirement housing development (i.e. strata ownership vs rental model).

Width and Layout of Maneuvering Aisle

The City of Enderby Planner raises no objections to the applicant's request to vary section 901.2.b of the Zoning Bylaw by reducing the minimum width of an unobstructed maneuvering aisle for right-angle parking from 8 m (26.25 feet) to 7.5 m (24.61 feet). The proposed reduction is relatively minor in nature and it is not anticipated that the reduced width would negatively impact the ability of vehicles to maneuver throughout the off-street parking area. Given this, it is recommended that Council support the variance request.

The City of Enderby Planner has concerns with the applicant's request to vary section 901.2.b of the Zoning Bylaw by permitting a maneuvering aisle to be partially obstructed. The applicant is proposing for two large trees to remain within the proposed maneuvering aisle, which would result in the maneuvering aisle being partially obstructed. Although the preservation of mature trees in new developments can be beneficial, this should only occur when practical. In this case, the retention of two large trees in a maneuvering aisle would significantly impact the ability of vehicles to effectively move through the off-street parking area, and creates the potential for vehicle conflict. Given this, it is recommended that Council not support the variance request. The owner may wish to consider alternate development plans that could accommodate the trees, without obstructing maneuvering aisles.

Surfacing of Off-Street Parking Area

The City of Enderby Planner has concerns with the applicant's request to vary section 901.2.e of the Zoning Bylaw to waive the requirement for an off-street parking area to be surfaced with asphaltic concrete or cement pavement, with a gravel surface in-lieu, as shown on the attached Schedule 'A'. The traffic demands of a multi-family development are likely to be significant, and having a gravel surface for the off-street parking area would likely result in dirt and mud being tracked on to the travelled lanes of Brickyard Road, which is a key collector road. Furthermore, a gravel off-street parking area for a large multi-family development is not a community standard that would be appropriate in this area. For these reasons, it is recommended that Council not support the variance request.

Setback Between Off-Street Parking Space and Dwelling

The City of Enderby Planner raises no objections to the applicant's request to vary section 901.2.g.i of the Zoning Bylaw by reducing the minimum setback between a parking space and a dwelling from 1.5 m (4.921 feet) to 1 m (3.28 feet), as shown on the attached Schedule 'A'. The proposed reduction is relatively minor in nature and either the property owner or a future strata corporation, depending upon the ownership model of the future development, can take steps to ensure that the parking space is assigned to the adjacent unit in order to minimize conflicts. For these reasons, it is recommended that Council support the variance request.

SUMMARY:

This report relates to a Development Variance Permit application for the property located at 171 Brickyard Road. The owner is in the process of subdividing the property in order to create one new lot, as shown on the attached Schedule 'B'. The new lot is proposed to be used for adult retirement housing and, as part of this proposed future development, the applicant is seeking variances to a number of sections of the City of Enderby Zoning Bylaw No. 1550, 2014, as shown on the attached Schedule 'A'. Staff are recommending that several of the variance requests be approved, several be denied, and some approved with conditions.

Prepared By:



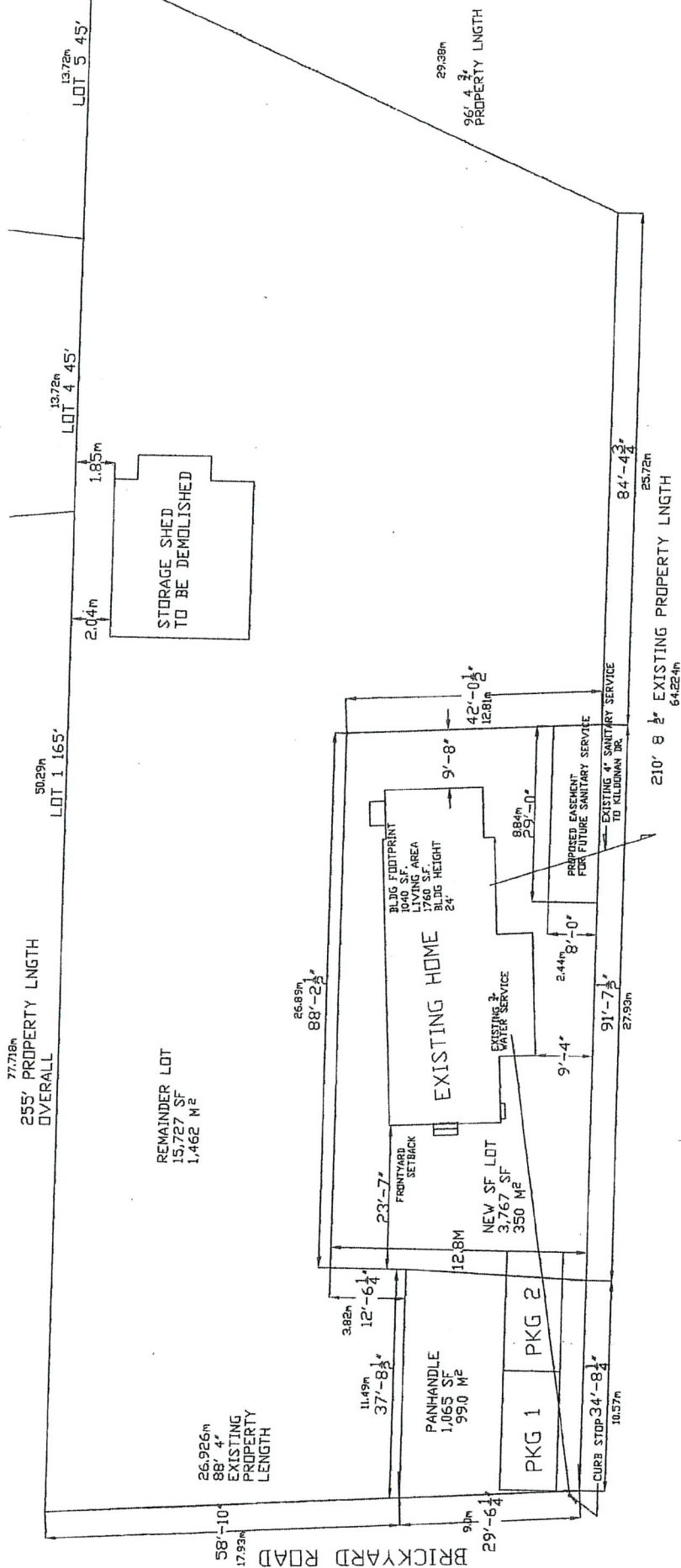
Kurt Inglis, MCIP, RPP
Manager of Planning, Community Safety and Bylaw Compliance

Reviewed By:



Tate Bengtson
Chief Administrative Officer

SCHEDULE A 'B'



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

Schedule 'C'

REASONS IN SUPPORT OF APPLICATION

Minimum setback between buildings

This relaxation is requested to allow the normal yard projections such as eaves, gutters and door steps to be constructed as is allowed in exterior yards.

Setback between parking and building

This is a fairly minor .5 meter reduction to facilitate additional parking.

Reduce the minimum maneuvering aisle for small car parking

This is to reduce the minimum width by .5 meters. As it is for small car parking spots only there ought to be very little impact.

Retain two heritage trees in parking area

The retention of these trees will not impede the use of the parking lot and provide a historic feature of the neighbourhood that with other landscaping will reduce the visual impact.

Permit a gravel parking lot

Gravel was specified in the approved engineering plans as part of the required on-site storm drainage plan. The material is clean crushed rock.

Reduce the required number of parking spots from 16 to 14 and increase the per centage of small car parking

The available parking will be set out clearly in the Strata Disclosure Statement. The units are small and designed for adult retirement clients. It is felt that the parking will be adequate for the owners and guests. Larger spots will be allocated on a first come basis.

Acceptance of screening

The neighbours to the south requested fencing which has been built. The neighbour to the north has a chainlink fence and do not want another fence. We do not want any additional fencing on our existing house either as it would greatly detract from aesthetic appeal of both properties.

BC Hydro Meter cabinet setback

This is to allow the 2' x 8' Meter cabinet to be located in the front yard setback area. This will be very unobtrusive located parallel to the parking lot and close to the BC Hydro service pole to limit the overhead wire length.

Reduce the rear yard setback

This reduction is facing onto the school grounds and would have very little visual impact.

**CITY OF ENDERBY
REMOVAL OF SOIL (EXTRACTION) AND PLACEMENT OF FILL WITHIN THE ALR
APPLICATION**

File No.: 0001-25-ALC-END

May 28, 2025

APPLICANT/OWNERS:	Brock Matejka, Colin Matejka, Gail Matejka
LEGAL DESCRIPTION:	LOT 1, PLAN KAP54214, DISTRICT LOT 226, KAMLOOPS DIV OF YALE LAND DISTRICT
P.I.D #:	023-018-321
CIVIC ADDRESS:	2207 Waterwheel Street , Enderby BC
PROPERTY SIZE:	23.92 acre (9.68 hectare)
ZONING:	Country Residential (C.R)
O.C.P DESIGNATION:	Country Residential
PROPOSAL:	Remove soil and place fill as part of the proposed construction of an equine and bovine training and genetics facility

RECOMMENDATION:

THAT Council advances the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC to the Agricultural Land Commission for consideration, subject to the following conditions:

- i. The applicant shall provide an access control plan for the 2207 Waterwheel Street (including the abutting property to the north – PID: 023-256-583), acceptable to the City of Enderby, which significantly reduces the number of accesses for agricultural vehicles, with the access(es) to be properly constructed for the current and proposed uses and not substantially or unreasonably interfere with other public uses of the road;
- ii. The applicant shall provide a road restoration plan for the portion of Waterwheel Street adjacent to 2207 Waterwheel Street (including the abutting property to the north - PID: 023-256-583), acceptable to the City of Enderby, which restores those portions of Waterwheel Street impacted by the current agricultural uses to a standard capable of accommodating normal traffic loads after the implementation of the access control plan referenced above;
- iii. The applicant shall enter into a Works and Services Agreement with the City of Enderby to implement the access control plan and road restoration plan following substantial completion of the proposed building(s); and

- iv. The applicant shall demonstrate that the current and proposed farm operation at 2207 Waterwheel Street (including the abutting property to the north - PID: 023-256-583) is in accordance with the City of Enderby Zoning Bylaw No. 1550, 2014.

AND THAT should the applicant satisfy the above conditions and the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC is advanced to the ALC for consideration, the City provides the following comments to the ALC:

The City of Enderby defers to the expertise of the ALC in considering whether the proposal is consistent with the ALC's Necessary Farm Use Structures in the ALR Guidelines.

The applicant has provided the City of Enderby and the ALC with correspondence confirming that no bull riding or bull riding events will occur within the proposed equine and bovine training and genetics facility. It is the City's understanding that bull riding and bull riding events would be considered non-farm uses, therefore should the applicant wish to pursue bull riding as an on-going use on the property in the future, they would be required to submit a Non-Farm Use Application to the ALC and City of Enderby. With respect to bull riding events, given that local governments do not have the authority to prohibit events on ALR lands, the City strongly encourages the ALC to use its authority to prohibit bull riding events from occurring within the proposed facility in order to ensure that the commitments made by the applicant in their written correspondence to the City and the ALC are upheld.

ALTERNATE RECOMMENDATION:

THAT Council postpone consideration of the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC and directs Staff to initiate a public notification process, in accordance with Section 6.1.1. of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016, and provides an opportunity at a future Council meeting for public input to be received prior to consideration of the application.

BACKGROUND:

This report relates to a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for the property located at 2207 Waterwheel Street, Enderby. The applicant is proposing to remove soil and place fill as part of the proposed construction of an equine and bovine training and genetics facility on the property, as shown on the attached Schedule 'A'. Section 25(3) of the *Agricultural Land Commission Act* states that an application for soil removal or fill placement may not proceed for consideration by the Agricultural Land Commission (ALC) unless authorized by a resolution of the local government. If a local government denies an application, the application is not forwarded to the ALC; if a local government does not deny the application, it is required to provide its resolution, comments and recommendations (if any) to the ALC.

Site Context:

The 23.92 acre (9.68 hectare) property is located on the east side of Waterwheel Street. The property is relatively flat with a single family dwelling, constructed in 1972, located in the southwest corner of the lot;

several accessory buildings are also located in the southwest corner of the lot. The property is used together with the abutting 32.2 acre (13.03 hectare) property to the north (PID: 023-256-583) for agricultural purposes related to the raising and selling of livestock, with both properties being located in the Agricultural Land Reserve (ALR). The properties are currently also used for pasture, hay, feed storage, and equine and bovine pens. Access to the properties is gained via four separate accesses off of the east side of Waterwheel Street. The properties abut the Shuswap River to the east and are located in the 1:200 year floodplain.

The subject property and properties to the north, northwest, and west are zoned Country Residential (C.R) and are designated in the OCP as Country Residential. The properties to the south and southwest are zoned Residential Single Family (R.1) and are designated in the OCP as Residential Low Density.

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

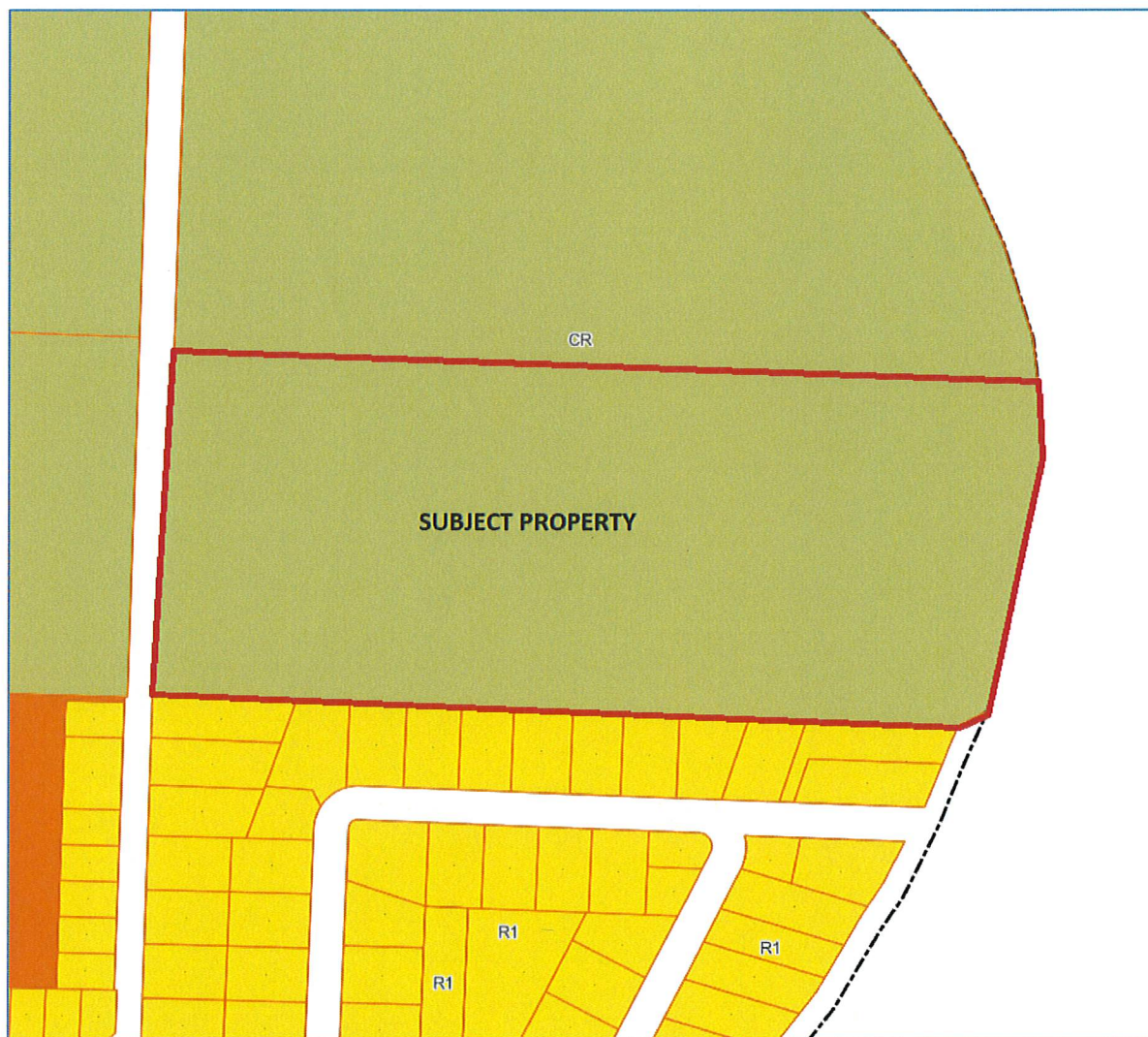


Figure 1: Zoning Map

Brown – Country Residential (C.R)
Yellow – Residential Single Family (R.1)

The following orthophoto of the subject and surrounding properties was taken in 2024:



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/History

The applicant recently removed 2,583 m³ of soil from the property and replaced it with 2,583 m³ of gravel, for the purposes of constructing a lane and cattle pens. The applicant is also proposing to remove an additional 1,922 m³ of existing soil and place an additional 1,922 m³ of new fill, for the purposes of providing a space for the construction of a new equine and bovine training and genetics facility, as shown on the attached Schedule 'A'. It was subsequently brought to the attention of the applicant, by the ALC's Compliance and Enforcement Division, that the removal of soil and placement of fill in the ALR could only be approved through a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application, pursuant to the *Agricultural Land Commission Act*. The applicant subsequently submitted a Removal of

Soil (Extraction) and Placement of Fill Within the ALR Application to the ALC, which was then forwarded to the City of Enderby for consideration. As previously mentioned, Section 25(3) of the *Agricultural Land Commission Act* states that an application for soil removal or fill placement may not proceed for consideration by the ALC unless authorized by a resolution of the local government.

Within the application, the applicant has described the uses of the proposed facility as follows:

We would like to construct an indoor Equine & Bovine Training & Genetics Facility, so we can operate safely year round so we are not restricted by the environment. This facility will have an indoor riding arena, equine stalls, maternity pens, calf pens and a herd health treatment area. As well as equipment and feed storage and outdoor pens.

The ALC has confirmed that the proposed uses are permitted farm uses. Furthermore, the applicant has provided correspondence to the City and the ALC confirming that the proposed facility will not be used for bull riding or bull riding event purposes, which is discussed in more detail in the Planning Analysis section of this Report.

The applicant has provided conceptual plans for the proposed facility, which are attached as Schedule 'B', but they have stated that the final design will not be completed until their application has been approved by the ALC.

Legislation/Legal Framework

Section 25(3) of the *Agricultural Land Commission Act* states that an application for soil removal or fill placement may not proceed for consideration by the ALC unless authorized by a resolution of the local government. If a local government denies an application, the application is not forwarded to the ALC; if a local government does not deny the application, it is required to provide its resolution and its comments and recommendations, if any, to the ALC.

Staff have obtained a legal opinion regarding the matters that Council may properly consider when determining whether or not to support a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application, with the legal opinion being attached as Schedule 'C'. The legal opinion states that since a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application is linked to an end use (i.e. the construction of a building for a farm use), Council may consider this end use and its associated impacts broadly (i.e. noise, traffic) when considering the application. The analysis and recommendations within this report are informed by the legal opinion.

Public Input

The legal opinion obtained by Staff confirms that neither the *Agricultural Land Commission Act* or *Agriculture Land Reserve Use Regulations* require a local government to obtain public input, by way of a public hearing or otherwise, when considering a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application. While the *City of Enderby Development Applications Procedures Bylaw, No. 1586, 2016* addresses the processing steps for ALC applications, it does not address public input processes, nor does it require public input into these applications. However, as the controller of its own decision making

processes, Council may provide an opportunity for public input if Council is of the opinion that such input is necessary or desirable for its decision making process.

Should Council wish to receive public input prior to considering the subject application, it may choose to postpone consideration of the application and direct Staff to initiate a public notification process, in accordance with Section 6.1.1. of the City of Enderby Development Applications Procedures Bylaw No. 1586, 2016, and provide an opportunity at a future Council meeting for public input to be received prior to consideration of the application. Section 6.1.1 of the Development Application Procedures Bylaw prescribes that the City must mail or otherwise deliver individual notices to all owners and tenants of the subject property for which an application is being made, and all owners and tenants of all other properties within a distance of not less than 30 metres measured from the boundaries of the subject property to which the application pertains. Section 6.1.1 requires the aforementioned notices to be mailed at least 10 days prior to Council consideration of the application. Public input would be received through written submissions and providing individuals with an opportunity to make representations to Council at the meeting where the application is being considered.

ZONING BYLAW:

The property is currently 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
- Three family dwellings
- Four family dwellings
- Attached Secondary Suites
- Detached Secondary Suites
- Bed and breakfasts
- Kennels

OFFICIAL COMMUNITY PLAN:

The following policies from the City of Enderby Official Community Plan relate to this development:

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 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.

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 15.3.d - Council will continue to support the preservation of agriculture on lands in the northeast portion of the City and on all other properties in the Agriculture Land Reserve heretofore unmentioned in this Section and shown on Schedule "B".

Policy 15.3.e - Council will evaluate and assess applications for development adjacent or in proximity to agricultural lands with consideration to the compatibility of uses, densities and will seek to minimize potential conflicts between neighbours and farm operations through day-to-day decisions and policies.

REFERRAL COMMENTS:

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

The City of Enderby Public Works Manager provided the following comments:

I want to acknowledge the property owner's efforts to mitigate their road use impacts in the past, in conjunction with Public Works, although their efforts can only do so much in the absence of an effective management program that matches road capacity to current and proposed uses of the subject property. The proliferation of accesses from the subject property to Waterwheel Street has the consequence of displacing to the public roadway the circulation of agricultural vehicles that would normally occur via internal roadways. The intensification of the agricultural uses will amplify the current impacts to Waterwheel Street associated with the subject property.

Regardless of whether the application is ultimately approved, the City has authority under its Streets and Traffic Bylaw to regulate both the use of a highway and property accesses. However, the proposed intensification has put a finer point on what has thus far been a gradual, but steady, deterioration and should be addressed through an effective management program prior to the proposed use commencing.

Should Council decide to advance the application to the ALC, I would recommend the following conditions:

- 1. The applicant must provide an access control plan for 2207 Waterwheel Street, acceptable to the City of Enderby, which significantly reduces the number of accesses for agricultural vehicles, with the access(es) to be properly constructed for the current and proposed uses and not substantially or unreasonably interfere with other public uses of the road; and*

2. *The applicant must provide a road restoration plan, acceptable to the City of Enderby, which restores those portions of Waterwheel Street impacted by the current agricultural uses to a standard capable of accommodating normal traffic loads after the implementation of the access control plan referenced above.*

Both conditions should be implemented after substantial completion of the proposed building(s). It is typical, and thus not required as an express condition of advancing the application, that an owner would be responsible for impacts to a street related to construction traffic associated with their property.

Given the challenges with registering a restrictive covenant on a property in the Agricultural Land Reserve, assurance that the above conditions will be met should take the form of a standard works and services agreement, which would involve the City holding security as a performance guarantee.

On a go-forward basis, with an effective management program in place, the impacts to public property associated with the farm uses at the subject property will be mitigated. To reiterate a point made above: regardless of the application, it was a matter of time before an effective management program became a critical priority. The proposed intensification has expedited the priority.

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

PLANNING ANALYSIS:

Neighbourhood Impacts

It is anticipated that the end use (equine and bovine training and genetics facility) will have a limited impact upon the adjacent residential neighbourhood above and beyond what is occurring through the current farm operation, given that the amount of proposed fill will not significantly increase the elevation of the property or the proposed building site and the proposed building site is setback approximately 52.3 m (171.5 feet) from the southern property line that abuts the residential neighbourhood.

Given that agricultural properties are intensive in nature, there can be land use conflicts when residential neighbourhoods are located in close proximity. In cases where residential development is proposed to occur adjacent to agricultural lands, contemporary best practices call for the installation of buffer areas on the *residential lands*. This approach is intended to place the onus on non-agricultural users to mitigate potential conflicts, in order to protect agricultural lands from diminished potential due to residential growth. In this case, the majority of the residential neighbourhood to the south was subdivided in the 1960s, prior to buffer areas on residential lands being a contemporary best practice, and therefore no buffer areas were required at the time of subdivision. It should also be noted that these residential lands were located in the Regional District at the time of subdivision and had not yet been annexed into the City of Enderby. Given the above, there would be no basis for requiring the installation of a buffer area on 2207 Waterwheel Street as a condition of the advancement of the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application.

Condition of Waterwheel Street

As described by the Public Works Manager in his referral comments, the current farm operation at 2207 Waterwheel Street is resulting in the significant deterioration of the unpaved portion of Waterwheel Street due to large agricultural vehicles from the property using Waterwheel Street to travel to and from the four accesses along the east side of Waterwheel Street. It is anticipated that the end use associated with the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application, which is an equine and bovine training and genetics facility, will increase the intensity of these impacts, which are already problematic. Furthermore, the legal opinion obtained by Staff confirmed that since a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application is linked to an end use (i.e. the construction of a building for a farm use), Council may consider this end use and its associated impacts (including access and damage to local roads) broadly when considering the application. In light of the above, it is recommended that Council directs Staff to advance the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC to the ALC for consideration, subject to the following conditions:

- i. The applicant shall provide an access control plan for the 2207 Waterwheel Street (including the abutting property to the north – PID: 023-256-583), acceptable to the City of Enderby, which significantly reduces the number of accesses for agricultural vehicles, with the access(es) to be properly constructed for the current and proposed uses and not substantially or unreasonably interfere with other public uses of the road; and
- ii. The applicant shall provide a road restoration plan for the portion of Waterwheel Street adjacent to 2207 Waterwheel Street (including the abutting property to the north - PID: 023-256-583), acceptable to the City of Enderby, which restores those portions of Waterwheel Street impacted by the current agricultural uses to a standard capable of accommodating normal traffic loads after the implementation of the access control plan referenced above.

The above is intended to create a situation where the agricultural vehicles from the property are no longer impacting Waterwheel Street, such that the end use associated with the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application could be accommodated. Furthermore, the above conditions will ensure that the damage done to Waterwheel Street as a result of agricultural vehicles and construction equipment is restored to an acceptable condition.

As described by the Public Works Manager in his referral comments, the above conditions should be implemented after substantial completion of the proposed building(s). Given the challenges with registering a restrictive covenant on a property in the ALR, assurance that both conditions will be met should take the form of a standard works and services agreement, which would involve the City holding security as a performance guarantee.

Agricultural Viability

Policy 15.3.d of the Official Community Plan states that Council will continue to support the preservation of agriculture on lands in the northeast portion of the City and on all other properties in the ALR. The ALC has a document titled *Necessary Farm Use Structures in the ALR Guidelines* (see attached Schedule 'D') which is used to provide clarity and guidance on the construction and use of structures deemed necessary

for farm operations within the ALR. However, City Staff do not have the expertise to make a determination as to whether the proposal is consistent with these guidelines. Given this, it is recommended that, if the applicant satisfies the conditions above (i.e. implement an access control plan and road restoration plan acceptable to the City), and the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC is advanced to the ALC for consideration, the City provides the following comments to the ALC:

The City of Enderby defers to the expertise of the ALC in considering whether the proposal is consistent with the ALC's Necessary Farm Use Structures in the ALR Guidelines.

Bull Riding and Bull Riding Events

Previously, some adjacent landowners became aware of the applicant's proposal and raised concerns that the proposed facility would involve bull riding and bull riding events, which they felt would impact their properties and neighbourhood negatively. Staff have engaged with both the applicant and ALC Staff with regards whether bull riding and bull riding events would be considered permitted farm uses, and the degree to which the applicant is pursuing these uses within the proposed facility. The ALC has confirmed that bull riding and bull riding events would not be considered farm uses. The applicant provided the following in response to the inquiry:

Hello all,

Thank you [ALC representative] for your email yesterday.

In answer to Kurt's two unanswered questions:

- 1. This facility will not involve bull ridings. It will be used for equine & bovine training, exercise, treatment, and health.*
- 2. This facility will not be offered to others to use for bovine animals. It is for our use so that we can raise bovine animals year pound in a safe, dry, controlled environment when needed.*

These are direct answers to the questions posed but does not negate the fact that this facility will also be used for equine purposes.

Per the highlighted comment below, as discussed in our meeting with ALC on February 18th, this is not an event center. We will not be hosting bull riding events in this facility.

Regarding the overview of uses in the facility, I will reiterate what was previously sent on separate occasions to both the ALC and the City of Enderby. The facility we would like to construct is an "Equine & Bovine Training & Genetics Facility."

Besides training this facility will include:

- *Equine Stalls*
- *Maternity Pens*
- *Calf Pens*
- *Herd Health (treatment area)*
- *Equipment Storage*

- *Feed Storage*

Regards,

Colin and Gail Matejka

Notwithstanding the fact that bull riding and bull riding events are not considered a farm use, non-farm use events are still allowed to occur on ALR lands (with restrictions) pursuant to the ALC's *Gathering for an Event in the Agricultural Land Reserve Policy*, which is attached as Schedule 'E'. This Policy states that gathering for an event is a permitted non-farm use in the ALR and cannot be prohibited by a local government, so long as the event meets the conditions set out in the *Agricultural Land Reserve Use Regulation*. Some of the key restrictions on non-farm use events as outlined in the *Gathering for an Event in the Agricultural Land Reserve Policy* include:

- No more than 150 people may be in attendance and the event must be less than 24 hours in duration.
- A maximum of 10 events of any type are permitted within a calendar year on a farm.
- Permanent facilities must not be constructed or erected for any event activity.

In light of the above, it is recommended that the City provides the following additional comments to the ALC, should the application be advanced:

The applicant has provided the City of Enderby and the ALC with correspondence confirming that no bull riding or bull riding events will occur within the proposed equine and bovine training and genetics facility. It is the City's understanding that bull riding and bull riding events would be considered non-farm uses, therefore should the applicant wish to pursue bull riding as an on-going use on the property in the future, they would be required to submit a Non-Farm Use Application to the ALC and City of Enderby. With respect to bull riding events, given that local governments do not have the authority to prohibit events on ALR lands, the City strongly encourages the ALC to use its authority to prohibit bull riding events from occurring within the proposed facility in order to ensure that the commitments made by the applicant in their written correspondence to the City and the ALC are upheld.

Zoning Consistency

Staff are recommending that advancement of the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street to the ALC for consideration be subject to the applicant demonstrating that the current and proposed farm operation is in accordance with the City of Enderby Zoning Bylaw No. 1550, 2014. This would primarily involve demonstrating that the number of cattle on the property do not exceed the maximum animal units prescribed under the Zoning Bylaw. Specifically, a Limited Agricultural Use is permitted to have cattle in concentrations of 6 'animal units' per hectare (2.428 'animal units' per acre), with Schedule 'E' of the Bylaw stating that the total number of animals making up 1 'animal unit' is as follows:

Number Animals That Make Up 1 'Animal Unit'	Animal Type
1	Dairy cow (plus calf)
1	Beef cow (plus calf)
1	1 bull
2.5	Beef feeders to be fed to a maximum weight of 340 kg (749.6 lbs.)
1.67	Beef feeders to be fed to a maximum weight of 500 kg (1,102 lbs.)
10	Beal calves to be fed to a maximum weight of 140 kg (308.6 lbs.)

The parcels making up 2207 Waterwheel Street are 23.92 acres (9.68 hectares) and 32.2 acres (13.03 hectares) in size.

SUMMARY

This report relates to a Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for the property located at 2207 Waterwheel Street, Enderby. The applicant is proposing to remove soil and place fill as part of the proposed construction of an equine and bovine training and genetics facility on the property, as shown on the attached Schedule 'A'. Section 25(3) of the Agricultural Land Commission Act states that an application for a soil removal or fill use may not proceed for consideration by the Agricultural Land Commission (ALC) unless authorized by a resolution of the local government. If a local government denies an application, the application is not forwarded to the ALC; if a local government does not deny the application, it is required to provide its resolution, comments and recommendations (if any) to the ALC.

The City of Enderby Planner recommends that Council advances the Removal of Soil (Extraction) and Placement of Fill Within the ALR Application for 2207 Waterwheel Street, Enderby BC to the Agricultural Land Commission for consideration, subject to the applicant providing an access control plan and road restoration plan acceptable to the City of Enderby, entering into a Works and Services Agreement with the City to assure implementation of the accepted plans, and demonstrating that the current and proposed farm operation is in accordance with the City's Zoning Bylaw. It is also recommended that should the applicant satisfy the conditions and the application is advanced to the ALC, that the City provide a series of comments to the ALC as described in the Planning Analysis section of this Report.

Prepared By:

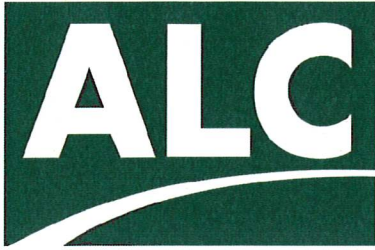


Kurt Inglis, MCIP, RPP
Manager of Planning, Community Safety and Bylaw Compliance

Reviewed By:



Tate Bengtson
Chief Administrative Officer



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 102005
Application Type: Removal of Soil (Extraction) and Placement of Fill within the ALR
Status: Submitted to L/FNG
Name: Matejka et al.
Local/First Nation Government: City of Enderby

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 1 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP54214
Approx. Map Area 9.68 ha
PID 023-018-321
Purchase Date Apr 1, 2017
Farm Classification Yes
Civic Address 2207 Waterwheel St. Enderby, B.C. V0E 1V2
Certificate Of Title State of Title Certificate CA5938826.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Brock Matejka	Not Applicable			Not Applicable
Colin Matejka	Not Applicable			Not Applicable

Gail Matejka

Not Applicable

Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

Yes

Describe the other parcels including their location, who owns or leases them, and their use.

PID 023-256-583 owned by Colin and Gail Matejka. currently used for pasture, equipment and feed storage, a small barn and equine and bovine pens.

3. Primary Contact

Type	Land Owner
First Name	Colin
Last Name	Matejka
Organization (If Applicable)	No Data
Phone	
Email	

4. Government

Local or First Nation Government: City of Enderby

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

The properties are currently used for pasture, hay, feed storage, equine & bovine pens. There is a shelter which is too small for our needs, it is inadequate for herd health and maternity pens, calf pens and horse stalls.

Describe all agricultural

Livestock pens, access lane. The property is fenced. A new power supply has

improvements made to the parcel(s).

been installed. Water lines and water bowls.

Describe all other uses that currently take place on the parcel(s).

Currently, we raise and sell livestock.

Choose and describe neighbouring land uses

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	Pasture and Cattle Pens
East	Other	Shuswap River
South	Residential	Homes
West	Agricultural / Farm	Pasture land adjacent to Waterwheel Road

6. Proposal

Are you removing soil and placing fill in order to build a structure? Yes

Has the ALC previously received an application or Notice of Intent for this proposal? No

What is the purpose of the proposal?

We are building a Equine & Bovine Training & Genetics Facility. We currently have a humble shelter previously mentioned which is inadequate for our current and future requirements. The area where this shelter is in low lying land and has the potential of flooding, we've owned this piece since the 1990's. We purchase the property we want to build on in 2017 as it was adjoining our current land and is on higher ground. We would like to construct an indoor Equine & Bovine Training & Genetics Facility, so we can operate safely year round so we are not restricted by the environment. This facility will have an indoor riding arena, equine stalls, maternity pens, calf pens and a herd health treatment area. As well as equipment and feed storage and outdoor pens.

Placement of Fill Project Duration The pens and lane are completed, we hauled in virgin gravel. that is in the area where the soil has been removed. The soil to be removed and placed is for the riding arena. The depth for the riding arena will depend on the engineers.

Removal of Soil Project Duration We removed the soil for for the pens and placed it in the lower lying area of our alfalfa field to the east. When we start the building the soil would be removed and placed to the east to raise that land and avoid flooding.

	Soil to be Removed	Fill to be Placed
Volume	1922 m ³	1922 m ³
Area	6300 m ²	6300 m ²
Maximum Depth	0.3 m	0.3 m
Average Depth	0.3 m	0.3 m
	Soil already Removed	Fill already Placed
Volume	2583 m ³	2583 m ³
Area	8468 m ²	8468 m ²
Maximum Depth	0.3 m	0.3 m
Average Depth	0.3 m	0.3 m

Describe the type, origin and quality of fill proposed to be placed. Virgin aggregate, pit run and 3" minus all from Baird Bros in Enderby.

Describe the type of soil proposed to be removed. Top soil, it will be moved to low lying areas and reseeded

The total floor area (m²) for each of the proposed structure(s)

#	Type	Area
1	Farm Structure	4180 m ²

Describe how the structure is necessary for farm use

We would like to construct an indoor Equine & Bovine Training & Genetics Facility, so we can operate safely year round so we are not restricted by the environment. This facility will have an indoor riding arena, equine stalls, maternity pens, calf pens and a herd health treatment area. As well as equipment and feed storage and outdoor pens.

Describe the current or proposed agricultural activity on the parcel(s)

The properties are currently used for pasture, hay, feed storage, equine & bovine pens. There is a shelter which is too small for our needs, it is inadequate for herd health and maternity pens, calf pens and horse stalls.

The building plans below are only proposals, the final plans cannot be determined until we know if the facility has approval from the ALC. There will be \$100,000.00 in upfront engineering fees in order to get final proposal from the steel building manufacturer.

Proposal Map / Site Plan

2207 Waterwheel (1).pdf

Detailed Building Plan(s)

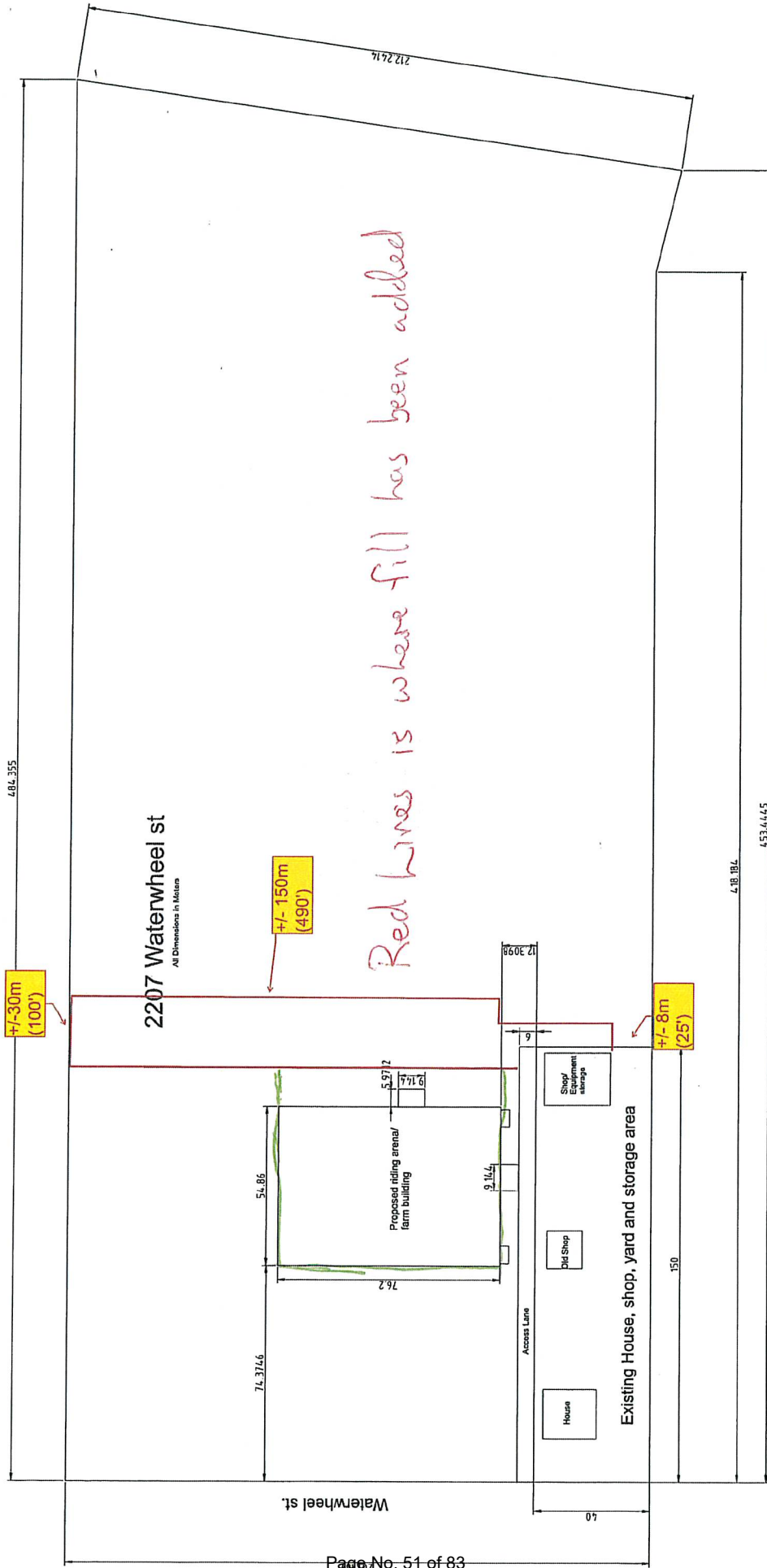
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DSC00072.JPG
ALC building sketch.pdf
Draw-41731-3-3.pdf
Draw-41731-3-2.pdf
Draw-41731-3-1.pdf
MATEJKA100X250X22 DRAWINGS.pdf

7. Optional Documents

Type	Description	File Name
Professional Report	Geotechnical	24087 - Preliminary Geotechnical Investigation Report - Signed&Sealed - 2024-08-06.pdf

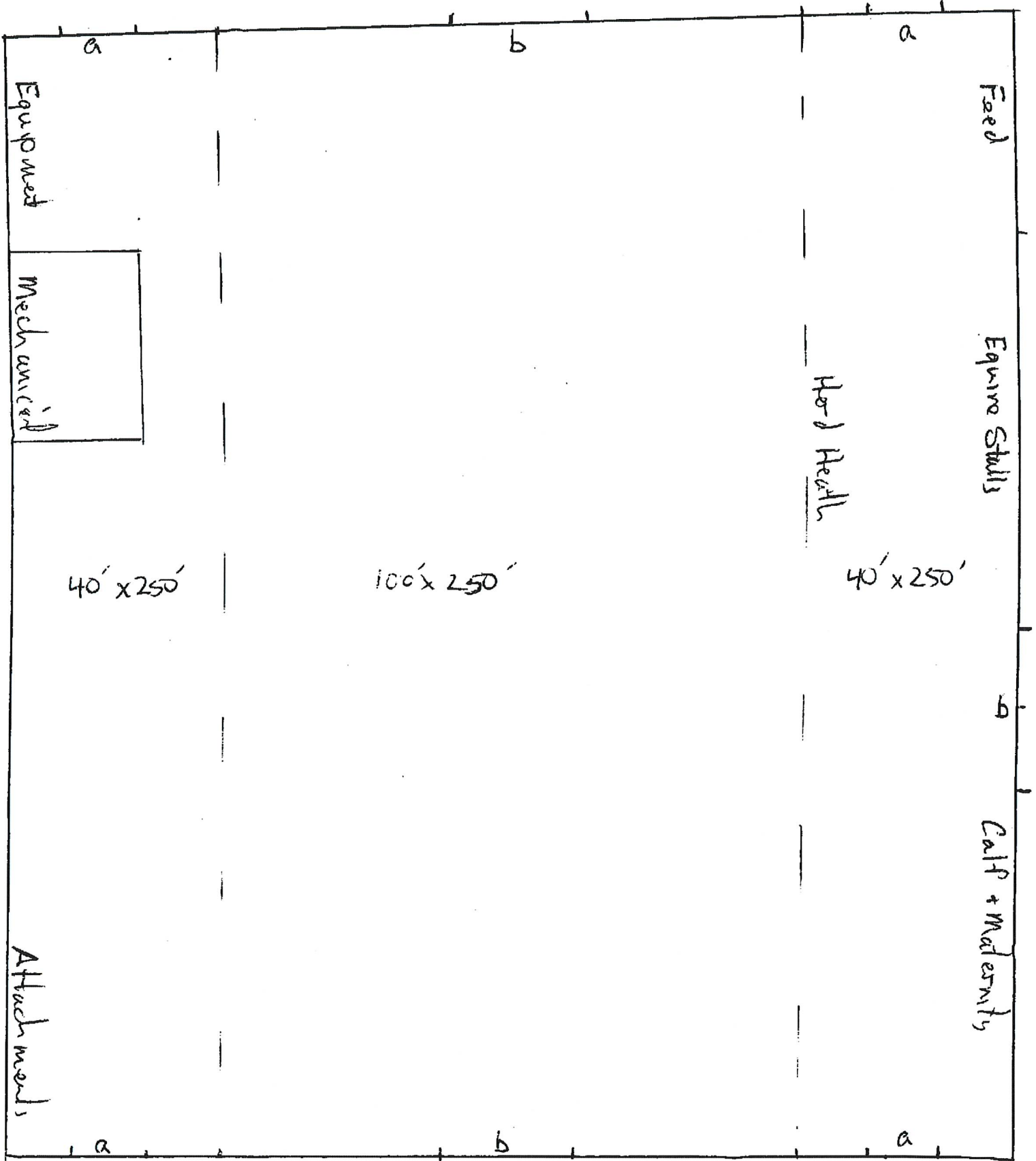
Schedule 'A'

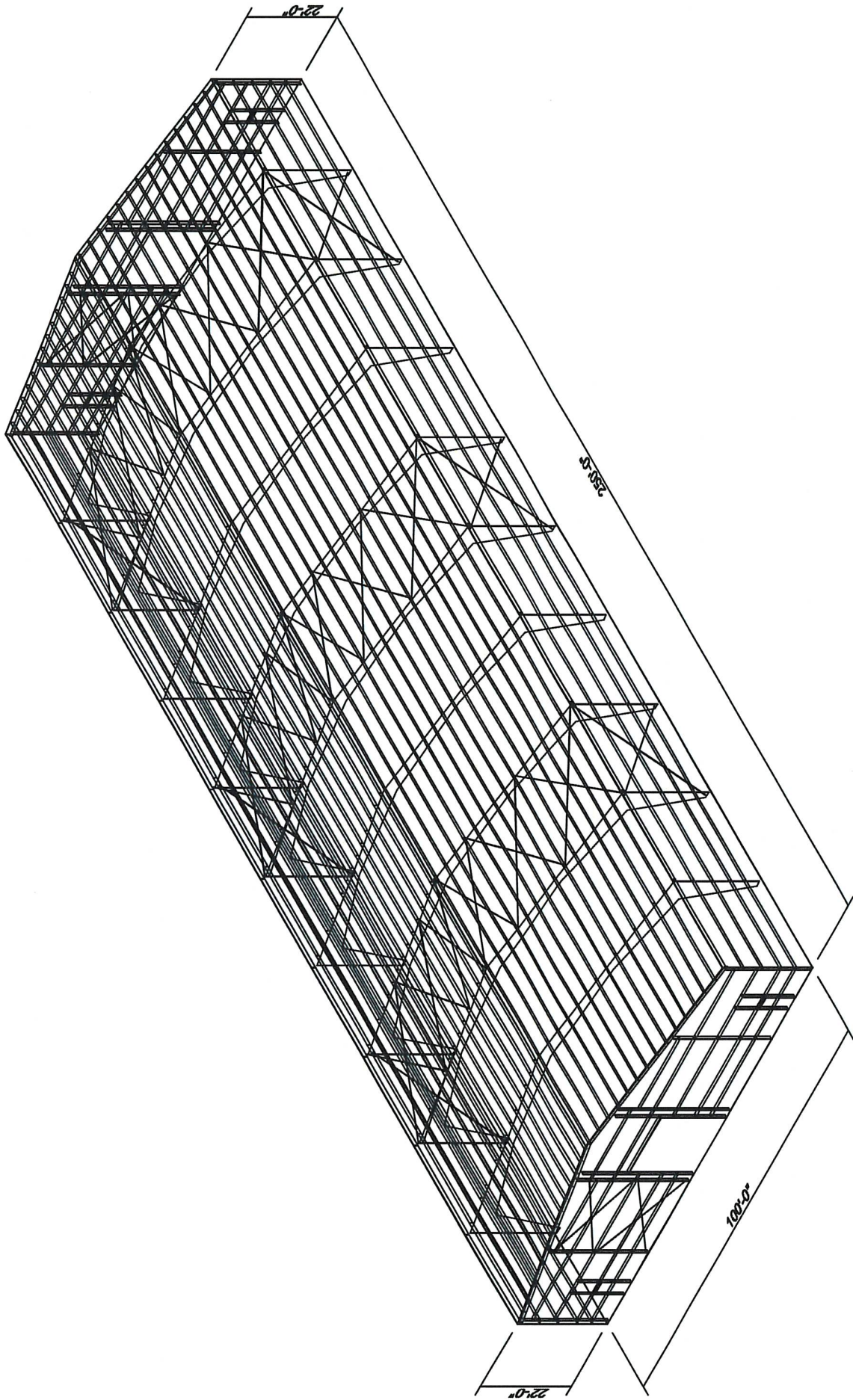
Green Lines will be NEW R/L



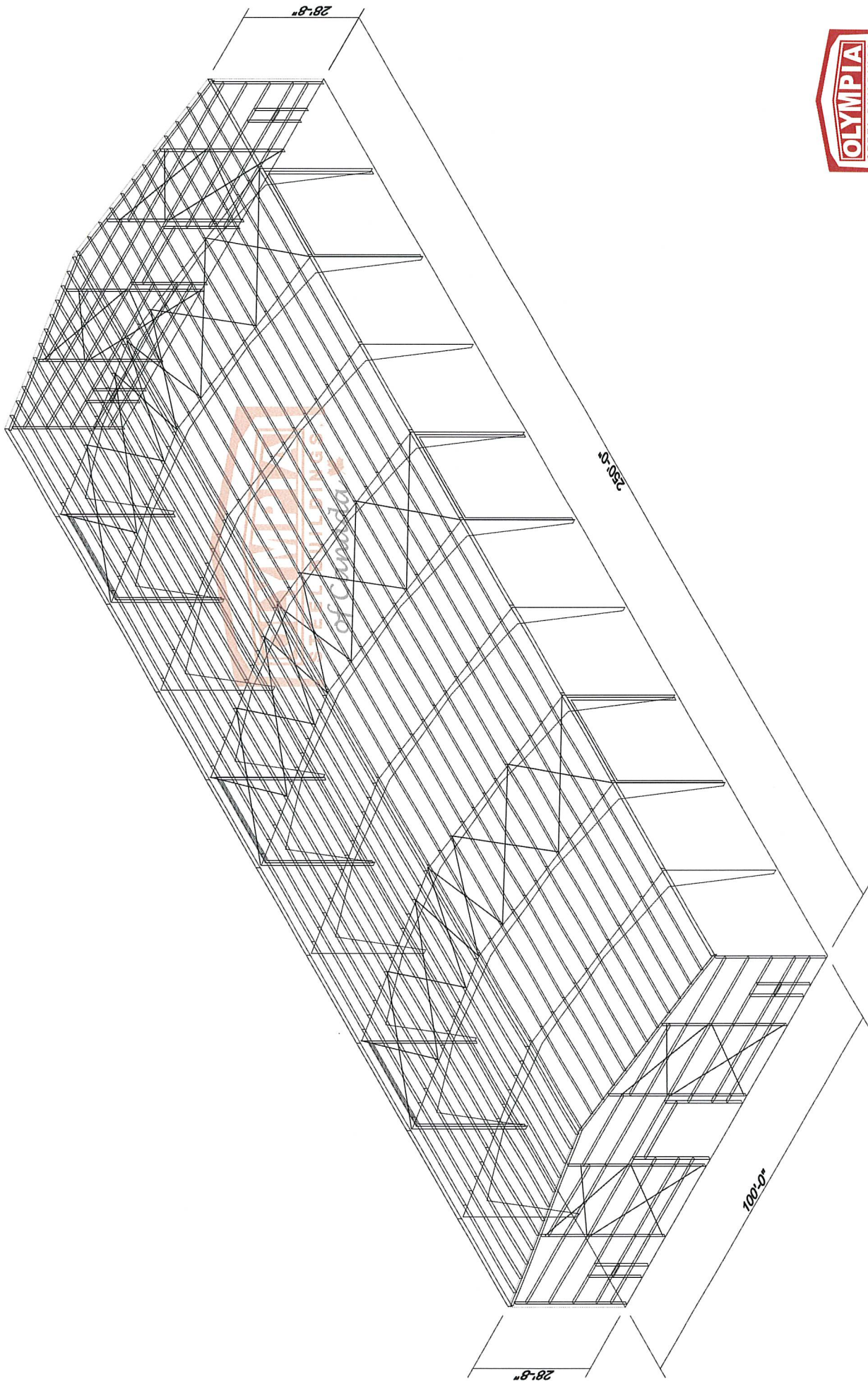
Not To Scale

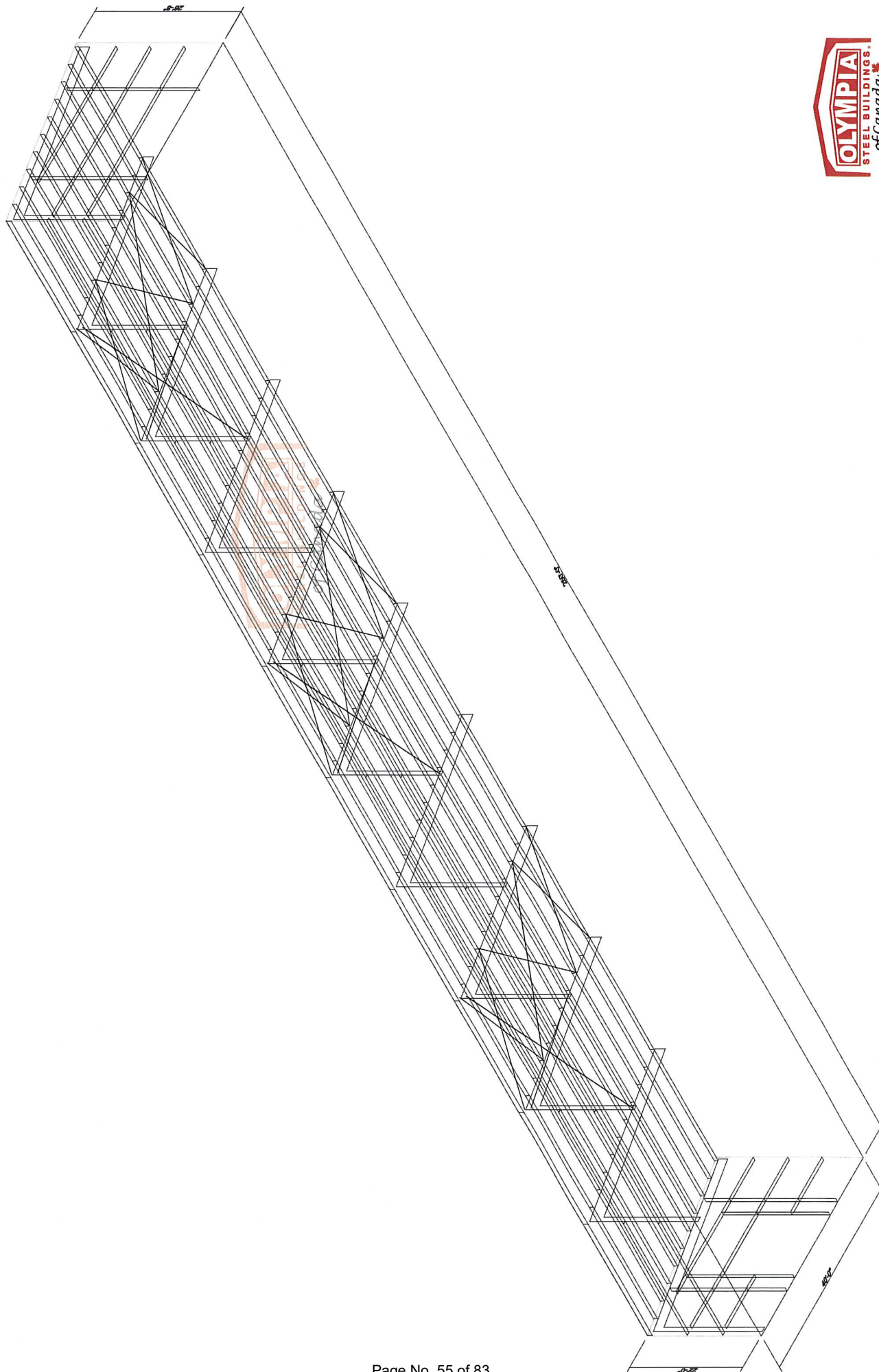
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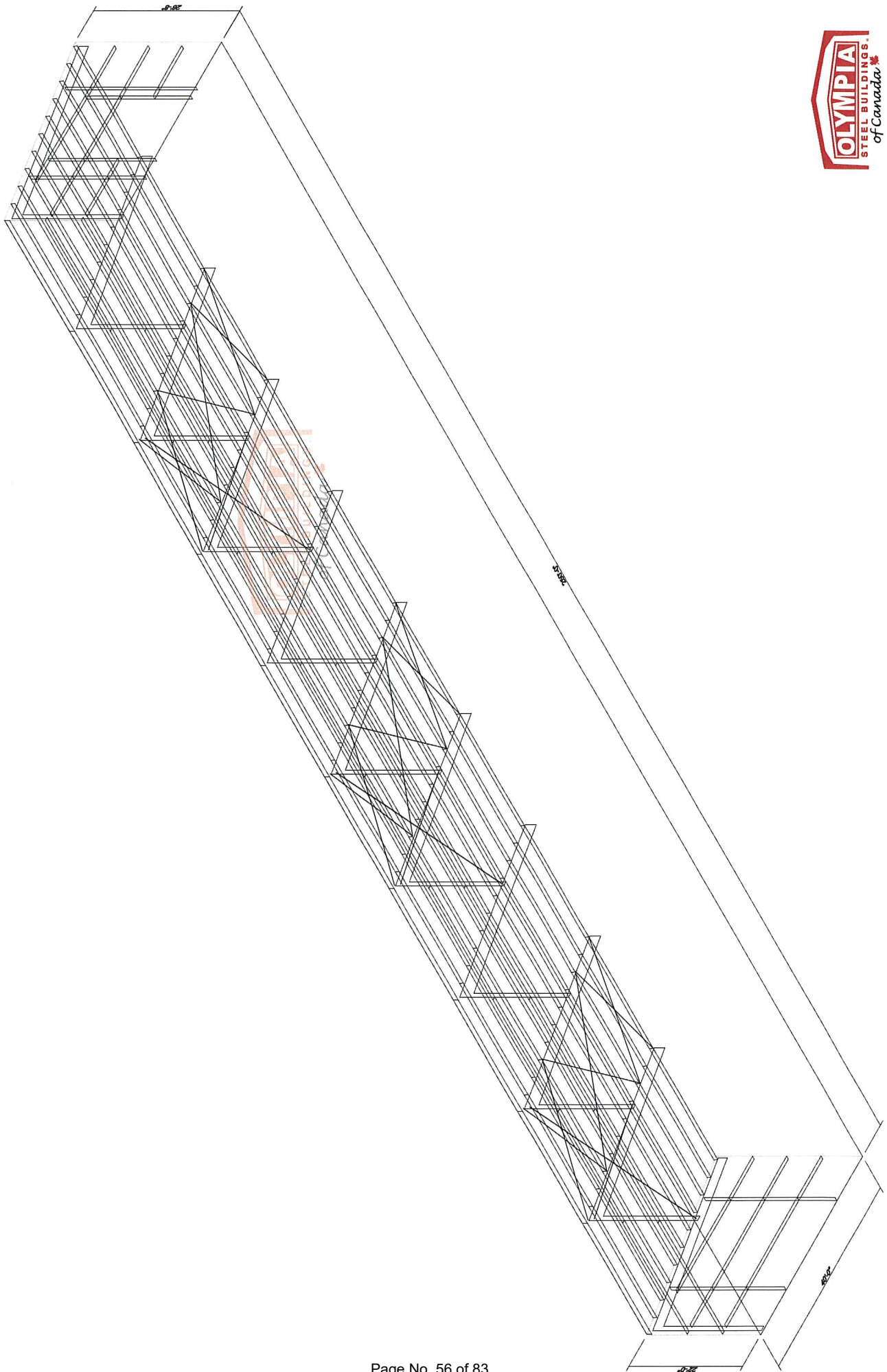




Schedule 'B'







Lidstone & company

Barristers and solicitors

April 25, 2025

Ralph G. Hildebrand
Ralph.Hildebrand@Lidstone.ca

BY EMAIL

City of Enderby
619 cliff Avenue
Enderby, BC V0E 1V0

Attention: TATE BENGTON - CAO

Re: ALC APPLICATION - 2207 Waterwheel St. Enderby

BACKGROUND

The owners of 2207 Waterwheel St. have submitted an application for "Removal of Soil (Extraction) and Placement of Fill within the ALR", (the "Application"). The Application states that purpose of the Application is to prepare the lands to construct a building for use as a "Equine & Bovine Training & Genetics Facility" including a riding arena, (the "Facility"). Building plans for the Facility accompanied the Application as well as a geotechnical report on the soil conditions.

The land is zoned CR which permits intensive agricultural uses including the uses proposed for the Facility. The Agricultural Land Commission has advised that the proposed uses are farm uses permitted on lands designated Agricultural Land Reserve.

REQUEST

You have asked us to prepare an opinion on the matters Council may consider when determining whether or not to support the Application. We understand that this opinion will be available to the public.

In preparing this opinion we have reviewed the Application and supporting documentation.

STATUTORY BACKGROUND

Lands within the Agricultural Land Reserve are subject to the terms of the [Agricultural Land Commission Act SBC 2022 c. 36](#) ("Act"), [Agricultural Land Reserve Use Regulation, BC Reg 30/2019](#), and the [Agricultural Land Reserve General Regulation, BC Reg 57/2020](#).

SOIL OR FILL USE

The City does not have a soil deposition or removal bylaw. Therefore, *Agricultural Land Reserve Use Regulation*, BC Reg 30/2019 does not apply to the Applicant's Soil Removal or Fill Use Application.

A "soil removal or fill use" refers to the removal of soil from and the placement of fill on ALR land (*Act* §1(1)). A "soil removal or fill use" is a use specifically excluded from the definition of a "farm use" (*Act* §1(1)). No person may remove soil or place fill on ALR land without approval from the Agricultural Land Commission, ("ALC"), (*Act* §20.3).

Section 25(3) of the *Act* states that an application for a soil removal or fill use may not proceed for consideration by the ALC unless authorized by a resolution of the local government. If a local government denies an application, the application is not forwarded to the ALC. However, if a local government does not deny the application, it is required to provide its resolution and its comments and recommendations, if any, to the ALC, (*Act* §34.1 and General Regulation §8(1)). Upon receipt of council's resolution and comments, the ALC will determine whether to grant approval for a soil removal and fill use.

The *General Regulation* indicates that comments and recommendations forwarded to the ALC may "include any other information the local government wants the [ALC] to consider concerning the application", (*General Regulation* §8(4)). There is no restriction placed on the nature of the comments or information that may be provided by the local government to the ALC.

APPROPRIATE CONSIDERATIONS AND COMMENTS

The question then becomes, what matters may Council take into account when considering a soil removal and fill application and how broad is its discretion?

The law regarding the extent to which a council has discretion when considering matters placed before it varies depending on the nature of the application.

Examples of the range of discretion include:

- **Building Permit:** a building permit application is frequently described as a recipe permit; if the application contains all of the necessary ingredients, the building permit must be issued and there is no discretion to reject the application;
- **Business Licence Hearing:** is a hearing on whether to terminate an existing right by suspending a business licence. Such a hearing is a quasi-judicial hearing that requires the application of rules of natural justice and procedural fairness which require council to only consider information and facts that are directly relevant to the business licence in question;
- **Development Permit:** where an area is designated a development permit area, council may only consider those matters permitted in the *Local Government Act*;
- **Rezoning Application:** for rezoning applications, a council has very broad discretion and may consider matters outside of "planning purposes" in coming to their decision. For example, they could deny

a rezoning application because of prior violations of a zoning bylaw by the applicant.

However, in all cases, even where there is broad discretion such as with respect to a rezoning application, council's determination must not be grounded on incorrect or improper assumptions and information, nor can council be motivated by a purpose not within its authority.

The current provisions and scheme of the *Act* and *Regulations* with respect to a local government's duties and responsibilities when considering soil removal and fill applications have not been considered by the courts and therefore one must look to general principles for guidance.

For the purposes of a soil removal and fill application, the *Act* has not set out council's role as that of a gatekeeper since council has not been asked to determine whether all of the ingredients necessary to permit a soil removal and fill use are present.

Nor is this a case where a council is considering whether to deny a landowner a right that landowner is otherwise entitled to exercise. Therefore, council's consideration of a soil removal and fill use is not a quasi-judicial role.

Nor do the *Act* and *Regulations* set out specific criteria that a council must consider when determining whether to support a soil removal and fill application. In fact, it is the opposite: no boundaries are set for council's consideration and councils are invited to forward recommendations, comments and information to the ALC for the ALC's review of an application.

In the context of the legislation, it is our opinion that the *Act* and *Regulations* seek council's input, not based on any farming or agricultural land expertise that the council may have, but to obtain council input based on council's unique interest in, and perspective on, the characteristics and needs of its community.

Therefore, it is our opinion that, in the case at hand, there is a broad scope of factors and matters that Council may consider; those factors and matters are not restricted to the effect that the granting of the soil removal and fill application will have on the lands. Council may consider matters directly related to the application (such as traffic and noise), as well as broader issues such as the construction that will take place after the granting of the application and the rationale for the proposed structure including its proposed use, location, and size.

In all of the circumstances, Council's discretion will have to be premised on the facts it has before it and not on innuendo or assumptions that have no reasonable support. However, it may also consider whether, in its reasonably held opinion, the end use of the Facility will be good for the community and, as set out below, it may determine to hear from the public for the purposes of that determination.

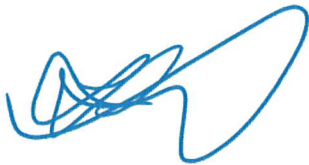
PUBLIC INPUT

Neither the *Act* nor the *Regulations* require a local government to obtain public input, by way of a public hearing or otherwise, into a soil removal and fill application. While the *City of Enderby Development Applications Procedures Bylaw, No. 1586, 2016* addresses the processing steps for ALC applications, it does not address public input processes, nor does it require public input into soil removal

and fill applications. However, as the controller of its own decision making processes, council may provide an opportunity for public input if council is of the opinion that such input is necessary or desirable for the purposes of their decision making process.

The *City of Enderby Council Procedure Bylaw, No. 1732, 2021* does permit delegations to appear at Council Meetings. If an application to appear as a delegation is submitted in accordance with §19 of the *Procedure Bylaw* or is otherwise approved by Council, input may be provided through that avenue. In the absence of the imposition of a statutory or bylaw requirement to obtain public input into a soil removal and fill application, no such input must be obtained.

Sincerely,



Lidstone & company

Ralph G. Hildebrand

ralph.hildebrand@lidstone.ca

Direct: 236.838.4114

Rh/rh

Necessary Farm Use Structures in the ALR Guidelines

Schedule
'D'

June 16 2023

This document provides guidance for the construction, maintenance or operation of structures necessary for a farm use in the Agricultural Land Reserve ("ALR"), including structures necessary for a farm use permitted under the Agricultural Land Reserve Use Regulation ("ALR Use Regulation"), and structures being considered by the Agricultural Land Commission ("ALC") as part of an application or Notice of Intent for the placement of fill for a structure.

1. Structures Necessary for a Farm Use

Section 5 of the ALR Use Regulation permits a structure, other than a residential structure, that is necessary for a farm use ("necessary farm use structure"). Under the *Agricultural Land Commission Act* ("ALCA"), a "farm use" is an occupation or use of agricultural land for farming land, plants, mushrooms, truffles or animals; a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*; or an activity designated as a farm use in the ALR Use Regulation. Section 5 of the ALR Use Regulation provides that a necessary farm use structure also includes a greenhouse, a structure for use in an intensive livestock operation or mushroom production, or an aquaculture facility.

A farm use, by definition in the ALCA, does not include a residential use or a soil or fill use.

A necessary farm use structure may not be prohibited by local government bylaw or First Nation law; however, it may be regulated.

In considering whether a structure is necessary for a farm use, the meaning of the closely related term "farm building" is informative. Section 1.2.1.2 of the National Farm Building Code (1995) defines a farm building as a "building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage, or processing of agricultural and horticultural produce or feeds".

2. Farm Structure Necessity

A necessary farm use structure must be demonstrated to be required for farm use on a property, or planned farm use. The structures must be commensurate with the level of farm use occurring on, or planned for, the property. Therefore, landowners may be required to provide supporting rationale, documentation, or evidence to their local

government, First Nation government, or the ALC respecting the necessity for structures to support farm use on the property such as the following:

- Evidence the property is assessed as Class 9 - Farm under the *BC Assessment Act*, or that an application for a developing farm has been submitted for new operations.
- Rationale for the proposed necessary farm use structure including its proposed use, location, and size.

3. Necessary Farm Use Structure Design

Necessary farm use structures in the ALR should generally be designed with regard to:

- Compliance with the National Farm Building Code of Canada (1995) whenever possible.
- Exterior and interior designs consistent with farm use. In particular, necessary farm use structures should include:
 - Exterior design and materials that are consistent with farm use (see Figures).
 - Interior layout that is functional for a farm use such as high ceilings, large open interior spaces, door clearance for farm equipment (see Figures).
 - Single-story only (mezzanine acceptable) unless a farm use need is demonstrated.
 - If necessary, bathrooms limited to a maximum of two plumbing fixtures (i.e. sink and toilet), unless the need for an additional fixture such as a shower is demonstrated for specific farm purposes such as "shower-in, shower-out" for biosecurity requirements, etc.
- Necessary farm use structures should not be designed to include, or be easily converted to; residential, accessory residential uses, or non-farm uses; or include excessive storage areas not justified for farm use. Necessary farm use structures should be commensurate with the size and scale of the agricultural operation.

The submission of detailed building plans may be required by the local government, First Nation government, or ALC to confirm the structure's total floor area and to assess the layout of the proposed structure.

Examples of structures designed for a necessary farm use

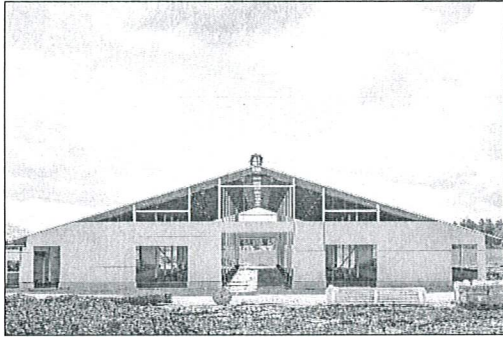


Figure 1. Livestock barn

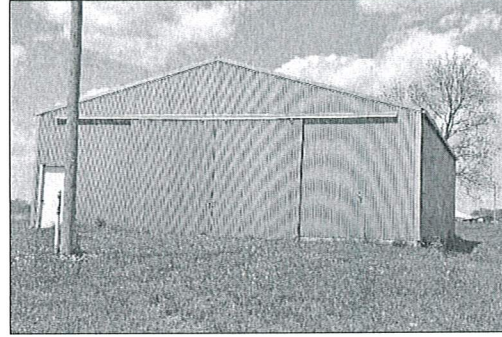


Figure 2. Farm machinery storage

4. Fill Requirements for Necessary Farm Use Structures

The ALR Use Regulation permits a certain amount of fill to be placed for the construction of a necessary farm use structure without ALC review. For greater clarity, “fill” means any material brought onto ALR land other than materials exempted by regulation and includes aggregate or other structural fill materials necessary to facilitate construction of a necessary farm use structure. For more information, see [ALC Information Bulletin 07: Soil or Fill Uses in the ALR](#).

Permitted Placement of Fill or Removal of Soil Without ALC Authorization

Deposition of fill or removal of soil to facilitate the construction or maintenance of a structure necessary for a farm use is permitted if the following criteria are met:


- The total area from which soil is removed, or on which fill is placed, does not exceed a 1,000 m² area; and
- In a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and First Nation government laws, if any, respecting flood protection in the floodplain ([section 35\(a\) of the ALR Use Regulation](#)).

Placement of Fill or Removal of Soil Requiring ALC Authorization

Authorization or approval from the ALC is required for any of the following:

- To place fill or remove soil for the construction of a farm use structure or a principal residence that involves more than 1,000 m² of fill placement or soil removal; or
- To place fill or remove soil, whatever the affected area, for the construction of a structure other than a farm use structure or principal residence, such as a building that includes a residential use, accessory residential use, or a non-farm use.

Schedule 'E'

 Agricultural Land Commission Act	ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: GATHERING FOR AN EVENT IN THE AGRICULTURAL LAND RESERVE	Policy L-22 Amended October 2021 Amended April 2019 October 2016
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, (the "ALCA") and, BC Regulation 30/2019 [Agricultural Land Reserve Use Regulation](#), (the "Use Regulation"). In case of ambiguity or inconsistency, the ALCA and Use Regulation will govern.

INTERPRETATION:

Gathering for an event is a permitted non-farm use in the Agricultural Land Reserve (ALR) and must not be prohibited by a local government bylaw as long as the event meets the conditions set out in the Use Regulation.

No more than 150 people may be in attendance and the event must be less than 24 hours in duration.

A maximum of 10 events of any type are permitted within a calendar year on a farm. For example, 5 weddings, 2 music concerts and 3 art shows. Where more than one farm business is being operated from a farm, the maximum 10 events applies. It is recommended that a record of events be maintained by the farmer including the type of event, date and number of attendees.

There is no requirement for these events to directly market or promote agricultural products grown on the farm and therefore are not considered agri-tourism events.

People hosting events must make every effort to avoid negative impacts to the use of agricultural land including but not limited to, damage to agricultural land and structures, noise that disturbs animals and livestock, trespass, vandalism, theft and blocking access to adjacent farm businesses.

Events may include weddings, private parties, corporate retreats, music concerts and concert series, music festivals, film and theatrical presentations, art shows, dance recitals, charitable and political fundraising events, dances, and sports events, so long as otherwise compliant with the Use Regulation. Any event that is not an agri-tourism event falls into this category.

The Use Regulation allows gathering for events in the ALR provided the land is assessed as "farm" under the [Assessment Act](#). If the assessment changes, the use is no longer permitted. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business. The farm parcels should be contiguous or in the same general geographic area.

Permanent facilities must not be constructed or erected for any event activity. Permanent facilities include, but are not limited to: buildings or permanent structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres). The conversion of existing buildings and the construction associated with bringing them up to public assembly building code is also deemed as the construction or erection of a permanent facility. If permanent facilities are required, an application and approval of the Agricultural Land Commission (the "Commission") is necessary.

For the purposes of this policy, parking areas must not be permanent (asphalt, concrete, gravel, etc) and parking must not interfere with the farm's agricultural productivity. All vehicles visiting the farm for the event must be parked on site (except for filming event days, where parking may also be supported on nearby private property and/or in accordance with local government regulations). To minimize impacting farm land, parking should be along field edges, adjacent to internal farm driveways and roads, and in farm yard areas or immediately adjacent to farm buildings and structures.

Personal family celebrations hosted by the farm owner where no fee is charged continue to be allowed.

This policy does not apply to agri-tourism activities. See Related Policies.

As per subsection 13(1)(e) of the Use Regulation, these conditions do not apply to alcohol production facilities (e.g. wineries, cideries, meaderies, breweries and distilleries) if the event(s) is held only in the ancillary food and beverage service lounge that has been developed in compliance with section 13(1)(b) of the Use Regulation or within the special event area under a special event area endorsement described in section 13(1)(c)(ii) of the Use Regulation. Section 17 of the Use Regulation and associated restrictions apply if the event(s) are held outside the lounge area or special event area. This means alcohol production facilities may host an unlimited number of events in their lounge area and special event area and an additional 10 events as per section 17 of the Use Regulation held outside the lounge area or special event area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

Events in excess of what is permitted under section 17 of the Use Regulation require an application pursuant to section 20(2) of the ALCA and approval of the Commission.

TERMS:

family event means an event attended by
(a) family members, and

(b) close personal friends or close business associates of family members

family member with respect to a person means

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters,
- (d) children or stepchildren, grandchildren and great grandchildren, and
- (e) aunts, uncles, cousins, nephews and nieces

fee or other charge includes a gift in lieu of a fee or charge given in connection with the event

wedding means the ceremony of marriage or a marriage-like ceremony and/or the reception celebration

music festival means concert or concert series no more than 24 hours in duration

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Use Regulation.

RELATED POLICY:

ALC Policy L-04 *Activities Designated as a Farm Use: Agri-Tourism Activities in the ALR*

REFERENCE:

Agricultural Land Reserve Use Regulation (BC Reg. 30/2019), Sections 1, 13, 14 and 17.

Definitions

Section 1 in this regulation:

“gathering for an event” means a gathering of people on agricultural land for the purpose of attending

- (a) a wedding, other than a wedding to which paragraph (c) (ii) applies,
- (b) a music festival, or
- (c) an event, other than
 - (i) an event held for the purpose of agri-tourism activity, or
 - (ii) the celebration, by residents of the agricultural land and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees;

Alcohol Production

Section 13(1) In this section:

- (e) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area under a special event area endorsement referred to in paragraph (c), and, for this purpose, section 17 [gathering for an event] does not apply;

Non-farm uses that may not be prohibited

Section 14 The non-farm uses referred under this Division may not be prohibited

- (a) by a local government enactment, or*
- (b) by a first nation government law, if the activity is conducted on settlement lands.*

Gathering for an event

Section 17 The use of agricultural land for the purpose of gathering for an event is permitted and may not be prohibited as described in section 14 if all of the following conditions are met:

- (a) the event is conducted on agricultural land that is classified as a farm under the [Assessment Act](#);*
- (b) no permanent facilities are constructed or erected in connection with the event;*
- (c) parking for those attending the event*
 - i. is available on that agricultural land,*
 - ii. occurs only in connection with that event, and*
 - iii. does not interfere with the productivity of that agricultural land;*
- (d) no more than 150 people, excluding residents of the agricultural land and employees of the farm operation conducted on that agricultural land, are gathered on that agricultural land at one time for the purpose of attending the event;*
- (e) the event is of no more than 24 hours in duration;*
- (f) no more than 10 gatherings for an event of any type occur on that agricultural land within a single calendar year.*

Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 1.

Definitions

Section 1(1)

“agricultural land” means land that

- (a) is included in the agricultural land reserve under section 15 (1.1), 17(3.1) or 45(1) of this Act, or*
- (b) was included under a former Act as agricultural land or land in an agricultural land reserve,*

Unless the land has been excluded from the agricultural land reserve under this Act or from an agricultural land reserve under a former Act;

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: May 23, 2025
Subject: UBCM 2025 Provincial Meeting Requests and Attendance

RECOMMENDATION

THAT Council identifies the topics for which it wishes to request meetings at the 2025 Union of British Columbia Municipalities (UBCM) convention;

AND THAT Council indicates the request that it wishes to pose at its meetings, the lead spokesperson, and the members who are planning to attend;

AND FURTHER THAT Council indicates any meeting topics for which it wishes staff to prepare an information brief.

BACKGROUND

The Union of British Columbia Municipalities (UBCM) conference will be hosted in Victoria, BC from September 22-26, 2025. The theme is *Charting the Course*. At UBCM, local government elected officials have an opportunity to meet with Provincial ministries, agencies, commissions, and corporations.

The deadlines for submitting meeting requests are:

- Premier and Cabinet Ministers: July 2, 2025
- Provincial staff: August 20, 2025

Meetings with Provincial staff may also be booked on-site at the conference's Provincial Appointment Desk from September 22-25 from 8:30am to 4:00pm, although Provincial staff availability may be limited. Meetings with the Premier and Cabinet Ministers are 15 minutes in length and will take place in the Parliament Buildings, while meetings with Provincial staff are 30 minutes in length (except for the Ministry of Transportation and Transit, which is 20 minutes in length) and will take place at the conference centre.

Once Council identifies the topics for which it wishes to meet with provincial representatives, Staff will work with UBCM to confirm the most appropriate ministry, agency, commission, or corporation.

As part of the meeting request form, UBCM requests that representatives who are planning to attend the meeting are indicated. As not all members of Council are expected to attend this event, Staff recommend that a spokesperson be identified for the meeting before the request is made.

Once Council has decided upon its UBCM meeting requests, Staff will submit the request form for each meeting. Accepted meeting requests are expected to be confirmed on or by September 17, 2025.

Staff will research and prepare information briefs upon request of Council, for any meeting confirmed by the Province.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

MEMO

To: Mayor and Council

From: Tate Bengtson, CAO

Date: May 26, 2025

Subject: Feedback to Province on Proposed Changes to Closed Council and Board Meetings

RECOMMENDATION

THAT Council supports the Province's proposed amendments to section 90 of the *Community Charter* which:

- Allow a Council meeting to be closed to prevent harm to an Indigenous people's ability to maintain, control, protect, or develop cultural heritage, traditional knowledge, traditional cultural expressions, or manifestations of their sciences, technologies, and cultures; and
- Require a Council meeting to be closed when it relates to the consideration of information received and held in confidence relating to negotiations between the local government and an Indigenous government, on the same basis as is the case for negotiations between local governments and provincial and federal levels of government.

AND THAT Council directs staff to send correspondence to the Ministry of Housing and Municipal Affairs indicating its support for the proposed amendments to section 90 of the *Community Charter*.

BACKGROUND

Council meetings must be open to the public unless closed by resolution pursuant to section 90 of the *Community Charter*. Council meetings may only be closed if there is a specific authorizing reason listed in the *Community Charter*. Council meetings may be closed for reasons listed in section 90(1) and must be closed for reasons pursuant to section 90(2).

The Union of British Columbia Municipalities has received numerous resolutions from local governments respecting the lack of a specific reason in the *Community Charter* to close a meeting related to negotiations between local governments and Indigenous governments. In some cases, there is sufficient authority under other provisions of the *Community Charter* to allow or require a closure; however, as the qathet Regional District described in its 2023 UBCM resolution, there is a lack of recognition of "First Nations governments as a level of government,

thereby recognizing and affording equitable protection for government-to-government meetings on par with other levels of government that are already listed within [the *Community Charter*].”

In the absence of a specific reason for closure under the *Community Charter*, there is a risk that confidential information may be required to be disclosed as part of an information request. This risk reduces the ability of local and Indigenous governments to develop relationships, partnerships and programs that are based on trust and candor, as it may necessitate the withholding of sensitive information that is relevant to meaningful negotiations.

The proposed amendments would enable meetings to be closed for the following reasons:

1. To prevent harm to an Indigenous people’s ability to maintain, control, protect, or develop cultural heritage, traditional knowledge, traditional cultural expressions, or manifestations of their sciences, technologies, and cultures; and
2. To enable confidential information to be disclosed as part of negotiations between a local government and an Indigenous government, on the same basis as is the case for negotiations between local governments and other levels of government.

Both proposed amendments are important to strengthening cooperation, partnership, and reconciliation with Indigenous peoples and governments. Staff recommend that Council provide a response to the Ministry of Housing and Municipal Affairs in support of the proposed amendments.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer



May 23, 2025

Reference: 186635

Mayor Huck Galbraith and Members of Council
City of Enderby
Email: mayor@cityofenderby.com

Dear Mayor Galbraith and Councillors:

The Ministry of Housing and Municipal Affairs (Ministry) is considering potential legislative amendments to expand the circumstances in which local government council meetings can be closed to the public to include some circumstances specific to Local Government-First Nation relations.

The proposed amendments are intended to support local governments in building relationships with First Nations, fostering government-to-government relationships and advancing reconciliation. Please see the attached document for an overview of the proposed legislative amendments to the *Community Charter*. Similar amendments are also being considered for the *Vancouver Charter*.

We are seeking your feedback regarding the proposed amendments. I invite you to attend one of the information webinars hosted by Ministry staff, with support from the Union of BC Municipalities (UBCM), taking place over the month of June. Further information and exact dates are available in UBCM's The Compass newsletter from May 21, 2025. Details are also available at: www.ubcm.ca/about-ubcm/latest-news/input-requested-proposed-changes-closed-council-and-board-meetings.

Written feedback can also be provided in response to this letter. If you or your staff wish to directly comment on the proposed amendments, please provide your feedback to Policy, Research and Legislation Branch staff by email (LG.PRL@gov.bc.ca) within 30 days of receipt of this letter.

Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Faganello', with a stylized, cursive script.

Tara Faganello
Assistant Deputy Minister
Local Government Division
Ministry of Housing and Municipal Affairs

Attachment: Overview of Closed Meeting Provisions and Proposed Amendments

CC: tbengtson@cityofenderby.com

Questions for Consideration

- What are your overall thoughts on the proposed changes to the closed meeting provisions?
- Do you have any specific concerns with this proposal?
- What additional considerations would you like to bring to our attention?

Proposed Amendments

Housing and Municipal Affairs staff are currently exploring two potential amendments to section 90 of the *Community Charter* to:

1. Allow a council meeting to be closed when the subject matter being considered relates to information that would be prohibited from written disclosure under s. 18.1 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

- FOIPPA s. 18.1 requires the head of a public body to refuse to disclose information if the information could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop their cultural heritage, traditional knowledge, traditional cultural expressions, or manifestations of their sciences, technologies, or cultures. This aligns with language in article 31 of the *United Nations Declaration on the Rights of Indigenous Peoples*.
 - For example, cultural heritage has been defined as ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity.
 - For example, traditional knowledge has been defined as knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.
 - Examples of manifestations of sciences, technologies or cultures include human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

2. Require that a council meeting be closed if it relates to the consideration of information received and held in confidence relating to negotiations between the local government and a First Nation.

- This would broaden the current provision (section 90(2)(b), bolded in the section below) that applies to negotiations between local governments and the provincial or federal government to additionally include negotiations between local governments and a First Nation.

Current Closed Meeting Provisions – Community Charter

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- c) labour relations or other employee relations;
- d) the security of the property of the municipality;
- e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- g) litigation or potential litigation affecting the municipality;
- h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
- i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
- m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);
- o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

- a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;
- b) **the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;**
- c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*Ombudsperson to notify authority*] of that Act;
- d) a matter that, under another enactment, is such that the public must be excluded from the meeting.
- e) [Repealed 2022-15-2.]

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

Relevant Legislation - *Freedom of Information and Protection of Privacy Act*

Disclosure harmful to interests of an Indigenous people

18.1 (1) The head of a public body must refuse to disclose information if the disclosure could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop any of the following with respect to the Indigenous people:

- a) cultural heritage;
- b) traditional knowledge;
- c) traditional cultural expressions;
- d) manifestations of sciences, technologies or cultures.

(2) Subsection (1) does not apply if the Indigenous people has consented in writing to the disclosure.

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Mayor and Council
From: Tate Bengtson, CAO
Date: May 28, 2025
Subject: Revised Floodplain Maps and Forthcoming Provincial Floodplain Development Guidelines

RECOMMENDATION

THAT Council defers consideration of the revised floodplain maps provided by Fraser Basin Council until the modernized Provincial Floodplain Development Guidelines are adopted by the Province;

AND THAT Council requests that the Province ensure that the modernized Provincial Floodplain Development Guidelines provide practical solutions to support the reasonable and responsible implementation of the revised floodplain maps by local government;

AND FURTHER THAT Council requests that the Province delay publicly posting the revised floodplain maps for the City of Enderby until the modernized Provincial Floodplain Development Guidelines are adopted by the Province and the City of Enderby has had reasonable time to evaluate the revised floodplain maps in conjunction with the modernized guidelines.

BACKGROUND

In accordance with section 524 of the *Local Government Act*, a local government may designate floodplains and specify flood levels and setbacks by bylaw, if it considers that flooding may occur on land. In doing so, local governments must consider Provincial guidelines (which have remained largely the same since their publication in 2004) and comply with Provincial regulations.

The designation of floodplains is typically done through maps that show the predicted extent of 20-year and 200-year flood events. Once designated, Provincial guidelines require minimum setbacks and building elevations in order to protect certain kinds of structures (such as dwellings) from flood risk. In recent years, the methodology used by geoscientists and other qualified professionals to map floodplains has been revised to account for climate change and other best practices that have changed the analysis of flood risk.¹

¹ Association of Professional Engineers and Geoscientists of BC, *Flood Mapping In BC: APEGBC Professional Practice Guidelines V1.0* (2017).

The City of Enderby has floodplain maps and references Provincial guidelines in its Zoning Bylaw, which forms its program for protecting development from flood risk.

Recently, the Fraser Basin Council has undertaken a mapping project involving the Shuswap Region. Its maps are currently at a “near-final” stage and are expected to be published soon on a provincial information portal; publication is not contingent upon a given local government jurisdiction adopting or endorsing the revised maps. The project is intended to “help communities understand the flood hazards and risks and to inform risk reduction and resilience measures.” It is part of a broader Flood Hazard Identification and Mapping Program that is cost-shared between Natural Resources Canada and the Provinces and Territories.

The revised floodplain maps use a climate-informed methodology that is in accordance with generally accepted engineering and geoscience practices. In some cases, the maps will have significant impacts upon the designated floodplain area and setbacks. However, per section 524 of the *Local Government Act*, the maps must be implemented with consideration given to Provincial guidelines – in this case, Provincial Floodplain Development Guidelines that were published in 2004. The Provincial Floodplain Development Guidelines have not yet been updated to reflect changes to floodplain mapping methodology; as a result, the guidelines are of limited practical utility with respect to transitioning to the new mapping methodology.

On May 7, 2025, the Province announced a joint initiative with the Canadian Standards Association to “develop modernized Flood Hazard Area Land Use Management Guidelines for BC.” Individuals are now being invited to express interest in joining a technical subcommittee to help develop the modernized guidelines, which are scheduled to be finalized in May 2026.²

In anticipation of modernized guidelines that, it is hoped, will support the floodplain regulatory obligations of local governments, staff are recommending that Council:

1. defers consideration of the revised floodplain maps until the modernized guidelines are adopted by the Province;
2. requests that the Province ensure that the modernized guidelines provide practical solutions to support the reasonable and responsible implementation of the revised floodplain maps by local government; and
3. requests that the Province delay publicly posting the revised floodplain maps for the City on its portal until the modernized guidelines are adopted and the City has had reasonable time to evaluate the revised floodplain maps in conjunction with the modernized guidelines.

The proposed resolution is substantially the same as that recently adopted by the Regional District of North Okanagan’s Board of Directors. As acknowledged in a circular for the Flood Hazard Identification and Mapping Program, “It is the purview of the local government to determine when bylaw updates are appropriate, as well as the information used to do so.”

² Union of British Columbia Municipalities, “Invitation: Provincial Floodplain Development Guidelines Technical Subcommittee” (May 7, 2025), <https://www.ubcm.ca/about-ubcm/latest-news/invitation-provincial-floodplain-development-guidelines-technical>.

Should Council support the proposed resolution, the City will continue to regulate floodplains using its existing maps and guidelines, until such time as it has a reasonable opportunity to consider the revised maps together with the modernized guidelines, so that impacts can be understood and a new regulatory program implemented in a coherent and cohesive manner.

Respectfully submitted,



Tate Bengtson
Chief Administrative Officer

AGENDA

THE CORPORATION OF THE CITY OF ENDERBY

MEMO

To: Tate Bengtson, Chief Administrative Officer
From: Kelsey Campbell, Manager of Strategic Priorities & Community Services
Date: May 28, 2025
Subject: Temporary Road Closure Application - Canada Day Parade 2025

RECOMMENDATION

THAT Council receives the City of Enderby Event Coordinator's Temporary Road Closure application (Canada Day Parade 2025) for information.

BACKGROUND

The City of Enderby Event Coordinator has submitted a Temporary Road Closure application (attached) for the Canada Day Parade scheduled for Tuesday, July 1, 2025. The applicant is proposing to close Railway Street, Cliff Avenue, Belvedere Street, portions of Brickyard Road, Howard Avenue and a portion of Kate Street between the hours of 10:30 am and 12:30 pm; although the streets will not be closed for the entirety of this time period, there will be temporary closures before and after the parade to accommodate set-up and clean-up.

The *Temporary Road Closures for Community Events Policy* has delegated authority to Staff to approve a Temporary Road Closure Application on behalf of Council, subject to the applicant meeting all the requirements of the Policy. All first-time events must be approved by Council. As this is not a first-time event and all requirements for a road closure have been met consistent with the *Temporary Road Closures for Community Events policy*, Staff have approved the application.

Respectfully Submitted,



Kelsey Campbell
Manager, Strategic Priorities & Community Services

Schedule A
Application for a Temporary Road Closure for a Community Event

Is this a first-time or relocated event?

Yes

No

Name of Sponsoring Organization The City of Enderby

Name of Contact Person Valerie Byrne

Telephone or Email

Name of Event Canada Day Celebration

Date(s) of Closure July 1 2025

Start time for Closure 10:30am End time for Closure 12:30pm

Location of Closure Parade Route: Kate St, Howard Ave
Belvedere St, Cliff Ave to Railway St

Required Attachments

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

See Attached

Indemnity: The applicant agrees to indemnify and save harmless the City of Enderby from and against any and all claims, including but not limited to harm, damage, injury, or loss to body or property caused by, arising from, or connected with any act or omission of the applicant or any agent, employee, customer licensee or invitee of the applicant, and against and from all liabilities, expense costs and legal or other fees incurred in respect of any such claims or any actions or proceedings brought thereon arising directly or indirectly from or in connection with the property, facilities, or services of the City. The applicant will be required to obtain and keep in force throughout the period of use insurance in a form specified by the City of Enderby unless waived in writing.

Authorized Signatory [Signature] Date MAY 28, 2025

Do Not Complete – For Administrative Purposes

Approved by [Signature] Date MAY 28, 2025

Certificate of Insurance

Yes

No

N/A

Map

Yes

No

N/A

Petition of Affected Business Owners

Yes

No

N/A

Policy Title	Temporary Road Closures for Community Events
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Adopted: August 13, 2012	<u>Authorized By:</u> Mayor and Council Regular Meeting of August 13, 2012	Replaces: Not applicable
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PURPOSE:

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

POLICY:

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

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

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

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

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

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

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

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

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



36 Deliniators



10 Barricades



6 Traffic Control

Traffic Control Person at
Cliff & Railway; Cliff &
Belvedere; Cliff & Vernon; both
sides of Brickyard & Howard;
Kate & Kildonan