



# The Corporation of the City of Grand Forks

## Regular Meeting

### AGENDA

Meeting #: R-2019-4  
Date: Monday, February 25, 2019, 7:00 pm  
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

1. CALL TO ORDER

2. ADOPTION OF AGENDA

- a. Adopt agenda  
February 25, 2019, Regular Meeting agenda

Recommendation

THAT Council adopts the February 25, 2019, Regular Meeting agenda as presented.

3. MINUTES

- a. Adopt minutes - Special to go In-Camera  
February 11, 2019, Special to go In-Camera Meeting minutes

4 - 5

Recommendation

THAT Council adopts the February 11, 2019, Special to go In-Camera Meeting minutes as presented.

- b. Adopt minutes - Public Hearing  
February 11, 2019, Public Hearing Meeting minutes

6 - 21

Recommendation

THAT Council adopts the February 11, 2019, Public Hearing Meeting minutes as presented.

- c. Adopt minutes - Regular  
February 11, 2019, Regular Meeting minutes

22 - 33

Recommendation

THAT Council adopts the February 11, 2019, Regular Meeting minutes as presented.

4. REGISTERED PETITIONS AND DELEGATIONS

5. UNFINISHED BUSINESS

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

- a. Written Reports of Council  
*Councillors*

34 - 37

**Recommendation**

**THAT all written reports of Council submitted to the February 25, 2019, Regular Meeting be received.**

- b. Proposed AKBLG Resolutions  
Councillor Thompson and Councillor Moslin

38 - 38

**Recommendation**

**THAT Council approves the proposed Association of Kootenay and Boundary Local Governments (AKBLG) resolutions from Councillor's Thompson and Moslin and instructs staff to submit the resolutions before the March 1, 2019, deadline to the AKBLG for consideration and vote at the Annual General Meeting held in April 2019.**

**7. REPORT FROM COUNCIL'S REPRESENTATIVE TO THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY**

- a. Verbal Report - RDKB Representative  
*Verbal report from Council's representative to the Regional District of Kootenay Boundary*

39 - 39

Read the RDKB agendas here: <https://rdkb.civicweb.net/filepro/documents/314>

**Recommendation**

**THAT Mayor Taylor's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting be received.**

**8. RECOMMENDATIONS FROM STAFF FOR DECISIONS**

- a. Temporary Use Permit Information - Cannabis  
Corporate Administration/Planning

40 - 43

**Recommendation**

**THAT Council directs staff to create a Temporary Use Permit (TUP) application form in a one-year increment with options for extension containing a disclaimer that applicants are applying at their own risk of Provincial cannabis retail license denial or legal closure, intended for proponents who are entrepreneurs of the sale of medicinal use Cannabis products and bring back to Council for review.**

**Recommendation**

**THAT Council determines not to issue Temporary Use Permits to proponents who are applicants for the sale of recreational (non-medicinal) Cannabis products applying to the Provincial Cannabis approval process, as recreational Cannabis retail stores cannot be legally operating prior to the Province issuing those licenses, as the issuance of a Temporary Use Permit may hinder the Provincial Cannabis Licensing Approval.**

**9. REQUESTS ARISING FROM CORRESPONDENCE**

**10. INFORMATION ITEMS**

11. BYLAWS

- a. Bylaw 2039-A2 - Third Reading – Rezoning from R1 – Residential (Single and Two Family Zone) to CD – 1 (Comprehensive Development 1 Zone) to accommodate a Mobile Home Park and Ecological Reserve – Boundary Drive North (File: ZA1803) Development, Engineering and Planning

44 - 56

Recommendation

THAT Council gives third reading to Zoning Bylaw Amendment No. 2039-A2 and not proceed to final reading until the servicing agreement, development permit and all other identified issues are resolved to the satisfaction of the City.

12. LATE ITEMS

13. QUESTIONS FROM THE PUBLIC AND THE MEDIA

14. ADJOURNMENT



**The Corporation of the City of Grand Forks  
Special to go In-Camera Meeting of Council  
MINUTES**

**Meeting #:** SP-2019-03  
**Date:** Monday, February 11, 2019, 10:30 am  
**Location:** 7217 - 4th Street, City Hall Council Chambers

**Present:** Mayor Brian Taylor  
Councillor Zak Eburne-Stoodley  
Councillor Cathy Korolek  
Councillor Neil Krog  
Councillor Chris Moslin  
Councillor Christine Thompson  
Councillor Rod Zielinski

**Staff:** Diane Heinrich - Chief Administrative Officer  
Daniel Drexler - Corporate Officer

**GALLERY**

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**1. CALL TO ORDER**

Mayor Taylor called the February 11, 2019, Special To Go In-Camera Meeting to order at 12:16 pm.

**2. IN-CAMERA RESOLUTION**

- a. Adopt Resolution as per Section 90  
Moved by: Krog  
Seconded by: Eburne-Stoodley

**THAT Council convene an In-Camera Meeting as outlined under Section 90 of the Community Charter to discuss matters in a closed meeting which are subject to Section 90 (1)**

**(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;**

**BE IT FURTHER RESOLVED THAT persons, other than members, officers, or other persons to whom Council may deem necessary to conduct City business, will be excluded from the In-Camera Meeting.**

**Carried**

**3. LATE ITEMS**

**4. ADJOURNMENT**

The February 11, 2019, Special to go In-Camera Meeting was adjourned at 12:16 pm.

Moved by: Eburne-Stoodley

Seconded by: Krog

**THAT The February 11, 2019, Special to go In-Camera Meeting be adjourned at 12:16 pm.**

**Carried**

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Mayor Brian Taylor

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Corporate Officer - Daniel Drexler



**The Corporation of the City of Grand Forks**  
**Public Hearing of Council**  
**MINUTES**

**PH-2019-01**

**Monday, February 11, 2019, 6:00 pm**

**7217 - 4th Street, City Hall Council Chambers**

Present: Mayor Brian Taylor  
Councillor Zak Eburne-Stoodley  
Councillor Cathy Korolek  
Councillor Neil Krog  
Councillor Chris Moslin  
Councillor Christine Thompson  
Councillor Rod Zielinski

Staff: Diane Heinrich - Chief Administrative Officer  
Daniel Drexler - Corporate Officer  
Kevin McKinnon - Deputy Corporate Officer  
Dolores Sheets - Manager of Development & Engineering Services

**GALLERY**

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**1. Call to Order**

*The Chair will call the Hearing to Order:*

*(a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend the City of Grand Forks Zoning Bylaw No. 2039.*

*(b) All persons who believe that their interest in property within the boundaries of the City is affected by the proposed bylaw(s) shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw(s) that are the subject of this Hearing. No one will be or should feel discouraged or prevented from making their views known. This Hearing is open to the public and all representations to Council form part of the public record. A live video and audio feed may be broadcast and recorded by GFTV.*

*(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after **Jan 30, 2019** (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.*

*(d) Members of Council may ask questions, if they so wish; however, the main function of Council members is to listen to the views of the public. It is not the function of Council to debate the merits of the proposed bylaw with individual citizens or with each other at this Hearing.*

*(e) Council debate on the proposed bylaw(s) is scheduled to take place during the next Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached at that meeting.*

*(f) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Hearing.*

*(g) During a Public Hearing, people sometimes become enthusiastic or emotional. Regardless of whether you favour or oppose any application or argument, please refrain from applause or other expressions of emotion. Restraint enables others whose views may or may not coincide with your own to exercise their right to express their views and have them heard in as impartial a forum as possible.*

Mayor Taylor called the February 11, 2019, Public Hearing to order at 6:00 pm. Councillor Thompson reviewed the purpose of the Public Hearing.

## **2. Notification of Meeting**

### 3. **Individual Bylaw Submissions**

The Mayor asked the gallery to identify which of the two proposed Zoning Amendments they were present to discuss, finding none for Bylaw 2039-A3, the agenda was amended to place that item first to maximize the time available for speakers to Bylaw 2039-A2.

- a. Public Hearing – Rezoning from R1 - Residential (Single and Two Family Zone) to CD - 1 (Comprehensive Development 1 Zone) to accommodate a Mobile Home Park and Ecological Reserve – Boundary Drive North (File: ZA1803)

*Development, Engineering and Planning*

Dan Harlow - OPPOSED - Mr. Harlow read a prepared statement (attached)

Jane Pring - OPPOSED - She spoke about concerns due to the wetlands in the area, including the odour present during spring, and is concerned about bylaw exceptions requested. She added that concern about the wetlands includes the many species of birds living in the wetlands and felt there were other areas that could be developed to attract people to Grand Forks.

Andy Chalifoux - OPPOSED - Mr. Chalifoux expressed concern about the density increase (8x) causing "ghetto population", and felt the lane servicing the area is too narrow. He further expressed concern about the costs of extending utilities, fire hydrant, and other infrastructure may be passed along to taxpayers.

Ken Fincham - OPPOSED - Stated that he lives on Landsdowne Crescent and that the previous speakers represented his opinion.

Mike Andersov - OPPOSED - He owns property east of the proposed development (in his family since 1935) and feels that the neighbourhood is dense enough as it is; adding 25 homes would change the neighbourhood significantly.

Vadim Kobesew (Developer) - IN FAVOUR - Responding to the earlier comments, in order:

There is no plan for tiny homes on wheels - small homes were a key objective to keep homes at an affordable price level, but homes would be on permanent foundation (poured or block), 500-800 sq.ft. range,



manufactured homes ~55' in length. He was never involved in development in Golden or Kamloops, but has been involved in a couple in Osoyoos. The developer's track record doesn't indicate a pattern of flipping projects, as demonstrated by the Osoyoos developments.

He has owned the property since 2006 and has not noticed the wetlands smell mentioned earlier. He noted that the mobile home park bylaw in GF is over 40 years old and development in the industry has significantly changed the way Mobile Home Parks look over that time. Bylaw changes are a normal part of the development process.

He then spoke to density - there are three lots at 1 acre each, much more space than is needed for single family homes. He looked into what is actually required by families. His research into the local real estate market showed 6 houses for sale less than \$150k in Grand Forks, primarily mobiles homes or townhouses. His target will be options in the \$100k range.

He addressed the concern about using chain link fencing. It is longer lasting than a wood fence and has options for powder coating (colour) or privacy strips.

As this is a new park development, he felt it's very unlikely that it would devolve into a low-income slum, as the development would be 'self-policing' by the fact that people would be buying into the development.

He acknowledged that it is typical for the developer to pay for utility servicing.

The property was purchased 12 years ago with the expectation it would eventually be developed. Development costs in Grand Forks tend to be higher than to Okanagan, and he has been watching the real estate market in Grand Forks for several years waiting for the right time to develop.

His intention with this project is to open the Grand Forks market to lower cost housing.

b. Public Hearing - Zoning Amendment Bylaw 2039-A3

*Development, Engineering & Planning*

There were no comments presented regarding this amendment.

4. **Adjournment**

The February 11, 2019, Public Hearing was adjourned at 6:59 pm.

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Mayor Brian Taylor

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Dep. Corporate Officer – Kevin McKinnon

DRAFT

February 11, 2019

[REDACTED]

Grand Forks BC V0H 1H0

**Public Hearing - Petition opposing the proposed 'North Boundary Drive Mobile Home Park'**

Dear Mayor Taylor and Council,

I am presenting a petition opposing the proposed development of a mobile home park at the north end of Boundary Drive. I have canvassed door to door, all residences on 16<sup>th</sup> Street north of 77<sup>th</sup> Avenue, Spring Crescent, Lansdowne Crescent, Boundary Drive north of 77<sup>th</sup> Avenue and the residences on 78<sup>th</sup> Avenue.

There were several residences within this area where I was unable to get an answer at the door after 2 attempts. This could be due to people on vacation, residing in warmer climates for the winter or at work/shift work.

I believe I have significant support opposing this development with in the neighbourhood as indicated by name, street address and signatures.

I sincerely hope that council accepts this petition as an accurate representation of how this neighbourhood is opposed to this proposal and ask council to reject this proposal outright.

Thank you for your consideration

[REDACTED]

Dan Harlow



Petition opposing zoning and bylaw changes that would allow 'North Boundary Drive Mobile Home Park' to be developed (File ZA1303)

We live in close proximity to the proposed location for a 25 bay mobile home park at the north end of Boundary Drive. We are opposed to this development because:

- 1 It will reduce local enjoyment due to increased traffic and noise through what is presently a quiet residential neighbourhood and present potential safety concerns associated with the increase in traffic.
- 2 It will devalue properties that are adjacent and in the vicinity of this development.
- 3 There is considerable lack of disclosure around how and who will be utilizing this development (i.e. adult only, seniors, low income housing, pet considerations, setbacks from the riparian area etc.).
- 4 Reduced public and local enjoyment and access to the natural resources of the ecological reserved area of the riparian area.
- 5 The developer is asking for extensive zoning and bylaw changes (hence the CD1 comprehensive development zone) in order facilitate this development.

We strongly urge the Council of the City of Grand Forks to **REJECT** any zoning or bylaw changes that would facilitate this project. We urge the city and developer to look for a better suited location for such a development that will have less or no impact on existing neighbourhoods or natural resources.

Name	Address	Signature
<i>ANTHONY DERGOUOFF</i>	[REDACTED]	[REDACTED]

<i>REPRESENTING</i>	<i>PROPERTIES AT</i>	
<i>DIANA FAYE REZANSOFF</i>	[REDACTED]	

<i>DIANA Anthony</i>	<i>DATED: July 10, 2019</i>	[REDACTED]
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**Petition opposing zoning and bylaw changes that would allow 'North Boundary Drive Mobile Home Park' to be developed (File ZA1803)**

We live in close proximity to the proposed location for a 25 bay mobile home park at the north end of Boundary Drive. We are opposed to this development because:

- 1 It will reduce local enjoyment due to increased traffic and noise through what is presently a quiet residential neighbourhood and present potential safety concerns associated with the increase in traffic.
- 2 It will devalue properties that are adjacent and in the vicinity of this development.
- 3 There is considerable lack of disclosure around how and who will be utilizing this development (i.e. adult only, seniors, low income housing, pet considerations, setbacks from the riparian area etc.).
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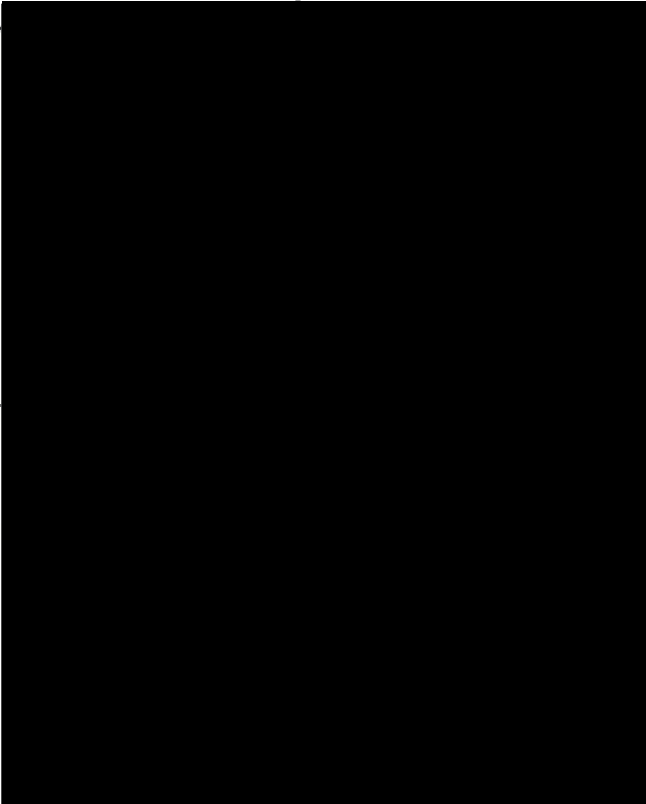

Name	Address	Signature
DAN HARLOW		
DAN HARLOW		
MIKE SOOKOCHOFF		
SHIRLEY SOOKOCHOFF		
Angus Mamon		
LINDA BELLAMY		
SHARON GUNRAY		
Fran Chalifoux		
Andy Chalifoux		
Logan Melville		
Kayla Sterling		
Jack Shelloff		
Fran Shelloff		

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Name	Address	Signature
JANE TRING.		
Ann Wilby		
ALMED AMLANI		
Dennis Richman		
Joy Osgood		
Kyle BUECKERT		
Hannah BUECKERT		
JOY FINCHAM		
KEN FINCHAM		
Michael Anderson		
HELEN GINTHER		
BILL FEHR		
LAURA FEHR		

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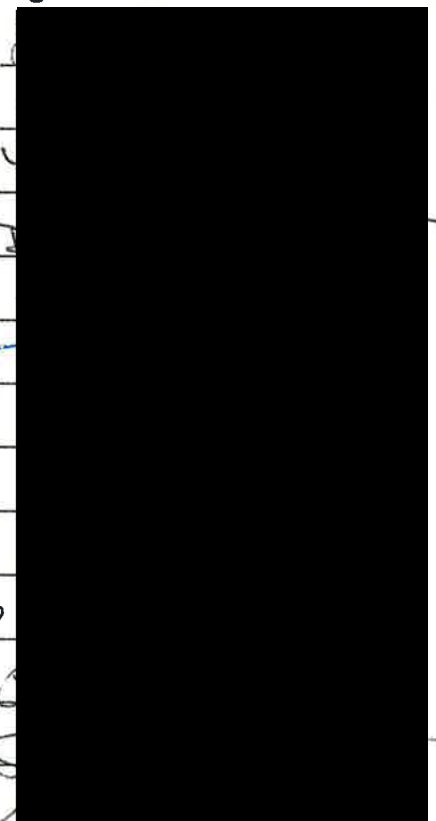
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Name

Address

Signature

Tracy Worrall  
Clay Whiting  
Kyla Hermesen  
Dianne Sheppard  
Mae Berga  
Tim Bounas  
Ron Voiken  
Mike Voiken  
Sean Anderson  
Nathan McSinnis  
Lynn Gladue  
Jennifer Henderson  
Scott Sheppard





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Name	Address	Signature
Donna Rondeau		
Greg Rondeau		
GORDA LAWLEY		
SHIRLEY LAWLEY		
SALLY HUNT		
BOB HUNT.		



### **Manufactured homes – Modular homes vs ‘Mobile’ homes**

I am finding in my conversations with City Council and other people that there is some confusion of what constitutes a modular home as compared to a ‘mobile’ home. I have done research on the internet and I would like to provide what I have found. I have spent 12 years of my life in mobile homes in various mobile home parks so I have some personal direct experience with mobile homes.

#### **Manufactured Homes**

Both a modular and ‘mobile’ homes are considered manufactured homes as they are manufactured off site (as compared to onsite construction like a house) and usually in an enclosed environment, large enough to build potentially several units at the same time (factory).

#### **Mobile Homes**

In the 1970s (and prior), mobile homes (trailers) had wheels attached and trailer hitch (tongue or hitch) that were included and remained with the mobile. These could be removed once delivered on site but usually remained under the unit and hidden from view with skirting, should these older mobile homes require moving, the wheels and hitch were usually re-used as they were usually still in place from the original set up. However with the age of these older mobile homes, some moving companies will not re-use the wheels and axles and they remove these and put their own wheel and suspension system under the unit.

In the 1980’s mobile homes still used wheels and tongues however these were generally not included as part of the mobile home. The company that would deliver and set up mobile homes, usually supplied the wheels and suspension system (sometimes referred to as a ‘dolly’) and tongue hitch to facilitate the movement. Should these newer mobile homes require moving again, the moving company could put wheels and suspension back under the trail, re attach the tongue and then move the trailer as required.

Mobile homes can be either a single width unit (single wide trailer) or two units put side by side (double wide trailer). Usually, once a mobile home unit is set up in a mobile home park, it is sold on site. It is possible for the mobile home to be moved elsewhere but usually they are bought and sold on the spot they originally get set up.

Typical mobile home parks have a ‘bay’ or pad that will accommodate either a single wide or double wide but there is no foundation. The unit(s) are rolled into the location and then placed on blocking of some description depending determined by the jurisdiction they are covered by.

#### **Modular Homes**

Modular homes can be a single unit or several units that are moved to site on a flat deck trailer, including possibly a roof unit. This allows for these units to be moved without removing utility wires and meet overhead clearances (like bridges) on route to the destination. The roof unit caps the unit to complete the roof line.

Modular homes are placed on a permanent foundation once they reach their target destination. This is usually accomplished with a large crane lifting the unit(s) into place. Once the unit(s) are placed on the foundations they are permanently attached and become a permanent structure that cannot be moved again, similar to a standard house.

### **Tiny Houses on Wheels**

Tiny houses can either be a manufactured home that would be required to meet CSA standards. They may also be built onsite similar to house and would have to meet all governing building codes. These are in vogue right now particularly in areas where buildable property has exponentially increased in value over time (as in the Lower Mainland area). There are television shows featuring tiny units. They are very small and designed for 1 or possibly 2 people. They do have wheels attached to them which for simplicities sake, makes them by definition, a mobile home. There is a high likelihood that these tiny homes will be moved again. Should they be taken off the wheels and placed on a permanent foundation, they become a garden home, carriage house or other names depending on what jurisdictions they are situated in and are governed by the bylaws for the jurisdiction they are set up in.

### **Depreciation or Appreciation?**

Mobile homes do not appreciate in value, they depreciate over time similar to an automobile. Modular homes appreciate in value, similar to a standard, similar to an onsite constructed house.

Further information is easily found on the internet to support my summations above.

Dan Harlow

### **Proposed Mobile Home Park on the North End of Boundary Drive**

My name is Dan Harlow. I have lived in Grand Forks since 1995. I moved to Grand Forks to continue and finish my career with the provincial government. I am a single parent of 2 now adult children. I am now retired and 62 years old.

I purchased my first home when I moved here in 1995, located on the 4 way stop of 68<sup>th</sup> Avenue and Boundary Drive. In 1998, I moved into home that is located on the no through road portion of 16<sup>th</sup> Street at the north end. I moved to that location because it was a no through road and very quiet neighbourhood especially compared to the noise and traffic from the 4 way stop at my previous home. I remained in that house for 20 years. I finished raising my children who are now grown. They left Grand Forks in 2004 because there were little to no employment opportunities for them. I have need to downsize for many years since and I have looked at many locations in my present neighbourhood as well as locations within the city limits as well as in rural surroundings.

Last March, a 2 bedroom house at the end of 16<sup>th</sup> Street (3 doors north of where I lived) went on the market. I had looked at this house many years ago when it came on the market after the original owner had passed away but at that time, I still had children living at home and it would not have been workable. As I had been looking to stay within my existing neighbourhood all along, this seemed the perfect solution. I purchased this house in March and took possession shortly before last May's devastating flood. I was familiar with the current zoning (R1) of all the vacant properties in this area. I am also familiar with what is allowed and not allowed to happen to the wetlands that cover significant amount of lands in this vicinity. I had the 20+ years of history that none of these lots had sold although that was always the possibility the lots could sell. I did not know that the 3 lots in question were owned by a real-estate speculator. I would not be upset if these properties were going to be developed as single family dwellings or duplexes. I purchased the house at end of the street house to facilitate my downsizing and for this new home to be my 'forever' home. I have not even lived in my new home for a year yet.

As I stated, I'm presently 62 years old. My family has myriad of hereditary diseases that I may or may not get as I age. I don't know how long I will live. However, I had planned to finish my life in Grand Forks because I do love it here. I want to drop dead while mowing the lawn or something to that effect. Should I become unhealthy to the point that our local health care facilities can no longer help me, then and only then, would I have consider moving away from Grand Forks.

If a mobile home park existed where it is being proposed prior to my purchase of my new home, I would not have bought the property. If the proposal to build a mobile home park had been presented this time last year, I would not have bought this property unless the proposal was rejected outright.

I am opposed to this proposed mobile home park development. Some of the reasons I am opposed to this are as follows.

- The project is proposed on land presently zoned as R1 (residential single or double family)
- I cannot see how this project will make my property more desirable or more valuable, I can only see taking away from my enjoyment of my property and most likely devaluing my property as well as any properties that are adjacent or even in the vicinity of this proposal. My real estate agent also shares this opinion regarding property values going down in our neighbourhood.
- I found the proposal package that I obtained off of the City of Grand Forks to be misleading and inconsistent such as normal mapping protocols have not even been followed.
- There is an environmentally sensitive wetland that requires an environmental professional to assess and determine what steps the developer would have to take in order to protect this land. There is no indication if this assessment has been completed. With there being at least 30 cm of snow on the ground, I don't know how this assessment can be completed at this time of year.
- I found the proposal misleading in that it is promoting 'Tiny Homes on Wheels' (THoW). Although THoW are in vogue especially where land values have skyrocketed in the past few decades (lower mainland) and there are even television shows about them, the very fact they have wheels, makes them mobile homes.
- The developer is a realtor/ land speculator from Osoyoos, who has apparently owned the subject lots for 10 + years and the lots have not sold. Why they have not sold either before or after the developer purchased these lots isn't clear other than there are no utilities servicing these lots and possibly the proximity to the wet lands. A friend of mine has done some research on the developer and apparently the developer has done similar projects in Golden and Kamloops. I did not do the research and I don't know if these other projects were the same size, bigger or smaller to the current proposal. The other projects were then sold off for profit to the speculator.
- The Official Community Plan (OCP) is a difficult document to read but I was able to glean that one of the main objectives of the OCP is to increase the population density. However I could not find any vision statements such as who are we trying to attract to our city and what are they going to do for employment if they do come here. I also saw something that I may or may not have misread that said something to the effect that in order to promote a development, that the city might pick up development cost like getting utilities (potable water, sewage, natural gas, electricity) to the lot lines. This could be a considerable expense that the city might pay. I do not want to see our tax dollars lining the pocket of a speculator who will sell the development and take those potential tax dollars out of Grand Forks as his profit and no further investment in our community.

- The city already has the Mobile Home Park Bylaw of 1977 which the developer is asking for considerable variants to this bylaw, citing what other jurisdictions require. A good proposal would be trying to meet existing bylaws within the city, with no or minimal requests for any variants and without muddying the water with what other places do.
- Boundary Drive narrows because of private land at the north end which could present safety issues to the public and residents of this proposed mobile home park. This single lane road often has cars parked on it in the summer so that people may access the walking trail along the old rail grade, potentially creating further safety concerns.
- There are many unanswered questions about how the end product will turn out that are not provided in the proposal like who is supposed to live here (adult only? Seniors? Low income? Owner occupy only? On site manager? No pets? Etc.) I don't know whether the developer can even answer these questions as he will not be running the mobile home park in the long run. He building the development in order to flip it to a new owner for profit. We have no idea who will buy this development or the mobile home park will operate afterwards.

I am not opposed to a new mobile home park in Grand Forks. I admit this is a case of NIMBY (Not In My Back Yard) situation for me. I do believe there are better suited locations within city limits or close to the city that would be better suited for such a development. Current zoning may require change at a different location but could have little to no impact to existing neighbourhoods or require the number of variants to existing bylaws in order to make this work for the developer and work with the OCP without potentially costing tax dollars to facilitate.

If this project is approved, I don't know what I will do. I have already considered that I may have to move again because I have no desire to live near a mobile home park. I don't want to move back to my old house because I'm back to square one, looking to downsize. In the end, this might entail me leaving the Grand Forks area completely which I really prefer not to do.

I am against the proposed North Boundary Drive Mobile Home Park. I urge Grand Forks City Council to REJECT this proposal.

Sincerely

  
Dan Harlow  


Grand Forks, BC



**The Corporation of the City of Grand Forks**  
**Regular Meeting of Council**  
**MINUTES**

**Meeting #:** R-2019-3  
**Date:** Monday, February 11, 2019, 7:00 pm  
**Location:** 7217 - 4th Street, City Hall Council Chambers

**Present:** Mayor Brian Taylor  
Councillor Zak Eburne-Stoodley  
Councillor Cathy Korolek  
Councillor Neil Krog  
Councillor Chris Moslin  
Councillor Christine Thompson  
Councillor Rod Zielinski

**Staff:** Diane Heinrich - Chief Administrative Officer  
Daniel Drexler - Corporate Officer  
Kevin McKinnon - Deputy Corporate Officer  
Dolores Sheets - Manager of Development & Engineering Services  
Juliette Rhodes - Chief Financial Officer  
David Reid - Manager of Operations  
Cavan Gates - Deputy Manager of Operations & Sustainability  
David Bruce - Manager of Inspection & Bylaw Services

**GALLERY**

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**1. CALL TO ORDER**

Mayor Taylor called the February 11, 2019, Regular Meeting to order at 7:04 pm.

**2. ADOPTION OF AGENDA**

- a. Adopt agenda

*February 11, 2019, Regular Meeting agenda*

The Mayor introduced the agenda and noted that there was a late-item addition as Item 12.a regarding procurement and contracting for high-priority engineering for downtown flood protection.

**Resolution #: R033/19/02/11**

Moved by: Korolek

Seconded by: Moslin

**THAT Council adopts the February 11, 2019, Regular Meeting agenda with the addition of late-item 12.a.**

**Carried**

**3. MINUTES**

- a. Adopt minutes - Special to go In-Camera

*January 28, 2019, Special to go In-Camera Meeting minutes*

**Resolution #: R034/19/02/11**

Moved by: Eburne-Stoodley

Seconded by: Thompson

**THAT Council adopts the January 28, 2019, Special to go In-Camera Meeting minutes as presented.**

**Carried**

- b. Adopt minutes - Regular

*January 28, 2019, Regular Meeting minutes*

**Resolution #: R035/19/02/11**

Moved by: Korolek

Seconded by: Eburne-Stoodley

**THAT Council adopts the January 28, 2019, Regular Meeting minutes as presented.**

**Carried**

**4. REGISTERED PETITIONS AND DELEGATIONS**

**5. UNFINISHED BUSINESS**

**6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL**

- a. Written Reports of Council

*Councillors*

Councillor Thompson noted that her report includes a resolution to be forwarded to the regular meeting on Feb 25 for presentation at AKB LG.

Councillor Moslin advised that on Feb 19 riprap armouring of S.Ruckle is scheduled to begin. Flood-impacted neighbourhoods can expect to have public meetings regarding spring freshet. He advised of a second motion for presentation at AKB LG regarding housing, which will be prepared for the next regular meeting.

**Resolution #: R036/19/02/11**

Moved by: Zielinski

Seconded by: Krog

**THAT all written reports of Council submitted to the February 11, 2019, Regular Meeting be received.**

**Carried**



**7. REPORT FROM COUNCIL'S REPRESENTATIVE TO THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY**

a. Verbal Report - RDKB Representative

*Verbal report from Council's representative to the Regional District of Kootenay Boundary*

Read the RDKB agendas here:

<https://rdkb.civicweb.net/filepro/documents/314>

The Mayor spoke about some of the issues currently being addressed at the Regional District level.

Transit - Grand Forks receives the majority of the transit service; other stakeholders are pointing fingers toward

Council to take a leadership role in the long-term planning for the service.

**Resolution #: R037/19/02/11**

Moved by: Thompson

Seconded by: Krog

**THAT Mayor Taylor's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting be received.**

**Carried**

**8. RECOMMENDATIONS FROM STAFF FOR DECISIONS**

a. RDKB Bylaw 1698 - Economic Development Service

*Corporate Services / RDKB*

**Resolution #: R038/19/02/11**

Moved by: Moslin

Seconded by: Thompson

**THAT the Municipal Council for the Corporation of the City of Grand Forks consents to the Regional District of Kootenay Boundary Board of Directors adopting Bylaw No. 1698 being the "Regional District of**

**Kootenay Boundary Economic Development (Grand Forks Area)  
Service Establishment Bylaw No. 1698, 2018.”**

**Carried**

- b. RDKB Bylaw 1699 - Boundary Economic Development Service  
Amendment

*Corporate Services / RDKB*

There was discussion about re-integrating Area "C" into the Boundary Economic Development Service after having left the group to operate a stand-alone service for that area about 6 years ago.

**Resolution #: R039/19/02/11**

Moved by: Korolek

Seconded by: Krog

**THAT the Municipal Council for the Corporation of the City of Grand Forks consents to the Regional District of Kootenay Boundary Board of Directors adopting Bylaw No. 1699 being the “Regional District of Kootenay Boundary Economic Development (Boundary) Service Establishment Amendment Bylaw No. 1699, 2018.”**

Opposed (1): Moslin

**Carried**

- c. Early Budget Approval – Information Technology

*Corporate Officer / Manager of Information Technology*

The IT manager spoke toward being able to get projects underway early in the year rather than waiting for budget completed.

There was further discussion about the equipment to be replaced, and the process of initiating purchasing was reviewed.

**Resolution #: R040/19/02/11**

Moved by: Zielinski

Seconded by: Krog

**THAT Council table discussion of this Early Budget Approval until after the budget process concludes.**

**Defeated**

**Resolution #: R041/19/02/11**

Moved by: Thompson

Seconded by: Korolek

**THAT Council approves the “Security Systems” capital project budget of \$50,000; AND THAT Council approves the “Printers and IT equipment” project budget of \$70,000; AND THAT these projects be included in the 2019-2023 Financial Plan.**

Opposed (1): Zielinski

**Carried**

- d. Early Budget Approval for time sensitive Capital Projects

*Outside Works*

Councillor Zielinski asked whether a decision on these items could wait until the March meeting.

**Resolution #: R042/19/02/11**

Moved by: Thompson

Seconded by: Korolek

**THAT Council approves the “Three phase electrical meter replacement” capital project budget of \$40,000; AND THAT Council approves the “Recloser for feeder #5” capital project budget of \$30,000; AND THAT Council approves the “Flood alert monitoring”**

**capital project budget of \$24,000; AND THAT these projects be included in the Five Year Financial Plan for the years 2019-2023.**

Opposed (2): Moslin, and Zielinski

**Carried**

- e. Development Permit No. DP1903 Proposed Non-Medical Cannabis Retail Store Licence at 426 Central Ave.

*Development and Engineering Services*

Discussion considered Gyro Park and the Library as neighbouring public use properties.

Planning clarified the public notice process - two weeks advertised in the local newspaper, followed by a public hearing.

**Resolution #: R043/19/02/11**

Moved by: Korolek

Seconded by: Thompson

**THAT Council directs staff to proceed with the statutory requirements for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 426 Central Ave, legally described as Lot 1, District Lot 108, SDYD, Plan KAP46322, PID 017-570-221.**

Opposed (1): Zielinski

**Carried**

- f. Development Permit No. DP1905 Proposed 52 Unit Multi-Family Development on the 0.925 Hectare (2.29 Acre) Parcel at 6895-19th Street

*Development & Engineering Services*

Councillor Zielinski made a motion to defer this item until after agenda item 11.b, which introduces some amendments to the Zoning Bylaw. The motion received no seconder.

Discussion considered the form and character of the development as presented.

**Resolution #: R050/19/02/11**

Moved by: Korolek

Seconded by: Moslin

**THAT Council approves Development Permit No. DP1905 for a 52 Unit Multi-Family Development to be located on 19th Street on the lot legally described as Lot 1, District Lot 380, Similkameen Division Yale District, Plan KAP85777, generally in accordance with the site layout and development drawings contained in Appendix A & B.**

Opposed (4): Eburne-Stoodley, Korolek, Krog, and Zielinski

**Defeated**

Following defeat of the motion, the Mayor advised his intent to recall the motion for reconsideration following Item 11.b

**9. REQUESTS ARISING FROM CORRESPONDENCE**

**10. INFORMATION ITEMS**

- a. Memo 2019 - Engineer of Record

*Chief Administrative Officer*

**Resolution #: R045/19/02/11**

Moved by: Krog

Seconded by: Zielinski

**THAT Council receives the memorandum regarding the Engineer of Record for 2019/2020 for information purposes.**

**Amended**

**Amendment:**

**Resolution #: R046/19/02/11**

Moved by: Zielinski

Seconded by: Moslin

THAT Council amend the motion to add the words "and direct staff to prepare tender documents for 2020/2021"

**Defeated**

**Resolution #: R047/19/02/11**

Moved by: Krog

Seconded by: Zielinski

**THAT Council receives the memorandum regarding the Engineer of Record for 2019/2020 for information purposes.**

Opposed (1): Zielinski

**Carried**

- b. Letter of request for bike parking space on Market Avenue in front of Work Clothing

*Downtown Business Association*

**Resolution #: R048/19/02/11**

Moved by: Korolek

Seconded by: Krog

**THAT Council directs staff to include the request from the Downtown Business Association regarding a bike parking spot on Market Avenue to the budgeting process.**

**Carried**

**11. BYLAWS**

- a. Bylaw 1958-A4 - Fees and Charges Amendment

*Chief Financial Officer*

There was discussion that the fees being asked for water rates may prohibit being a green community.

**Resolution #: R049/19/02/11**

Moved by: Thompson

Seconded by: Korolek

**THAT Council gives final reading to the City of Grand Forks Fees and Charges Amendment Bylaw No. 1958-A4, 2019.**

Opposed (1): Zielinski

**Carried**

- b. Bylaw 2039-A3 - Third and Final Reading – Amendments to the Zoning Bylaw with respect to cannabis retail stores, accessible parking spaces and other minor changes (File: ZA1901)

*Development, Engineering & Planning*

**Resolution #: R050/19/02/11**

Moved by: Thompson

Seconded by: Korolek

**THAT Council gives third and final reading to Zoning Bylaw Amendment No. 2039-A3, 2019.**

**Amended**

**12. LATE ITEMS**

- a. Reconsideration of Item 8.b

*Mayor Taylor*

The Mayor recalled Item 8.b for second consideration following passage of Zoning Bylaw amendment 2039-A3.

**Resolution #: R051/19/02/11**

Moved by: Thompson

Seconded by: Korolek

**THAT Council approves Development Permit No. DP1905 for a 52 Unit Multi-Family Development to be located on 19th Street on the lot legally described as Lot 1, District Lot 380, Similkameen Division Yale District, Plan KAP85777, generally in accordance with the site layout and development drawings contained in Appendix A & B.**

Opposed (2): Eburne-Stoodley, and Krog

**Carried**

- b. Request to Initiate Procurement for East Downtown Flood Protection.

*Public Works*

Council clarified that the motion extends funding beyond preparing the RFP.

Discussion included that the money would need to be spent on the process regardless of funding source, but while the allocated funding from the resolutions would be sufficient for initial Engineering costs, it would not permit starting the actual construction.

**Resolution #: R052/19/02/11**

Moved by: Korolek

Seconded by: Eburne-Stoodley

**THAT Council direct staff to initiate procurement and contracting for high-priority engineering and permitting needs for east Downtown flood protection and critical bank erosion protection, utilizing**



**unallocated funds from Resolution R314/2018//11/19 and, if required, Resolution R341/2018/12/10.**

**Carried**

**13. QUESTIONS FROM THE PUBLIC AND THE MEDIA**

Kathleen Saylor (Gazette) enquired whether the initial decision on item 8.b could have caused legal issues and was advised that the developer could potentially challenge such a decision.

Amber Esovoloff - Asked about the City's form and character guidelines. It was explained that the actual guidelines are not prescriptive, they are subjective, based on neighbouring areas.

Chris Hammett read e-mails from DBA members and spoke regarding the 2nd street project.

**14. ADJOURNMENT**

**Resolution #: R053/19/02/11**

Moved by: Zielinski

**THAT the Regular Meeting be adjourned at 8:12 pm.**

The February 11, 2019, Regular Meeting was adjourned at 8:12 pm.

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Mayor Brian Taylor

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Dep. Corporate Officer – Kevin McKinnon

# Request for Decision



To: Regular Meeting  
From: **Procedure Bylaw / Corporate Services**  
Date: February 25, 2019  
Subject: Reports, Questions and Inquiries from the Members of Council  
Recommendation: **THAT all written reports submitted by members of Council be received.**

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## Background

Under the City's Procedures Bylaw No. 1946, 2013, the Order of Business permits the members of Council to report to the Community on issues, bring community issues for discussion and initiate action through motions of Council, ask questions on matters pertaining to the City Operations and inquire on any issues and reports.

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## Benefits or Impacts

### General

The main advantage of using this approach is to bring the matter before Council on behalf of constituents. Immediate action might result in inordinate amount of resource inadvertently directed without specific approval in the financial plan.

### Strategic Impact



#### Community Engagement

- Members of Council may ask questions, seek clarification and report on issues.

### Policy/Legislation

Procedure Bylaw No. 1946, 2013

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## Recommendation

**THAT all written reports submitted by members of Council be received.**

## Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

## REPORT TO COUNCIL

FROM: Councillor Christine Thompson

DATE: February 28, 2019

SUBJECT: Report to Council

Since my last report to Council, I have attended the following information sessions, meetings and workshops:

1. A presentation by local and professionals from Interior Health Authority regarding mental health issues, and in particular, the proposed 2<sup>nd</sup> Street Development.
2. Two 2019 budget workshops.
3. One regular and one extraordinary meeting of Downtown Business Association.
4. A meeting of the Boundary Early Years Action Committee (BEYAC).
5. Family Day activities
6. Boundary Flood Recovery public meeting
7. The regular meeting of the Phoenix Foundation

My last report included a proposed resolution for Council to consider forwarding to the Association of Kootenay Boundary Municipalities (AKBLG) for their consideration. We discussed this at length during the Committee of the Whole and I have taken all comments and recommendations into consideration in formulating the resolution below, that I would ask Council to consider at this meeting.

WHEREAS SUBSTANCE USE, particularly drug addiction, is considered a mental health issue;

AND WHEREAS smaller communities do not have many of the supports required to assist those wanting to recover from addiction, and detox followed by immediate rehabilitation is necessary in order to recover and the wait time between the two can be up to three months;

THEREFORE BE IT RESOLVED that the Ministry of Mental Health and Addictions be encouraged to fund more detox and rehabilitation centres throughout the Province, particularly in rural and remote communities.

Respectfully submitted,

Councillor Christine Thompson

## Councillor Korolek's Report

Feb 11<sup>th</sup>

Participated in budget workshops

Feb 13<sup>th</sup>

- Volunteered in a successful fundraiser for the Gem Theatre
- A sold out event. Bands from all over the Region
- Wonderful to see all the support for an important aspect of our community
- Paquets received some assistance from DFA however only a drop in the bucket
- A fun event!

Feb 14<sup>th</sup>

- Attended Warming Centre meeting
- Discussion regarding their uncertain future
- Full house every night
- Training in 1<sup>st</sup> Aid, emergency drug intervention, de escalation of situations arising from mental health issues
- Next meeting Feb 21<sup>st</sup>
- Meals provided by local restaurants

Feb 16<sup>th</sup>

- Joined Rotary in annual Chili/potato serving
- Seemed to be lower attendance at Family Day Downtown event
- Successful DBA event planning
- Just a side note...Lynn Burch slipped and broke her ankle.

Feb 19<sup>th</sup>

- Budget planning
- Community update

Feb 21<sup>st</sup>

- Warming Centre meeting.
- Hope to hear of communication with BCHC as well as owner of current facility
- COP meeting. Update regarding patrols and challenges facing the group.

BCRCC meeting postponed for a couple weeks.

-

Spent time exploring proposed development sites. Simply wanting to reaffirm my position.

Cathy Korolek



Cathy Korolek, Councillor  
City of Grand Forks  
250-442-8266 (City Hall)  
[www.GrandForks.ca](http://www.GrandForks.ca)

## February 25<sup>th</sup>, 2019 Councillor Moslin's Report

This past week work began on the first major project to protect the city from future erosion: the application of rip rap armoring on the west bank of South Ruckle. The city's operations manager, Mr. David Reid, has been working on this project for months along with several City staff and engineers at Urban Systems. Funding had to be secured, surveys completed, a design drafted, materials ordered, permissions obtained and the work contracted.

This bank armoring is 250 m long

The cost is estimated at \$750,000

The funding for the project is coming from Emergency Management BC

The design was completed by Urban Systems

The work will be done by local contractors

The project will be completed by the first week of April

Since my last report I have also enrolled in a training workshop for elected officials about Emergency operations. This session will be March 20<sup>th</sup> in Warfield.

Also during this past week, I attended the first liaison meeting on behalf of Council with the BFR team. I was pleased to have the opportunity to discuss the vision for flood recovery and mitigation. I am also pleased that these meetings will occur bi-monthly to provide myself and other councillors the opportunity to discuss these major projects with staff before having to face the inevitable request for decisions that are going to come with this much potential investment. Council should be the ones responsible to make the decisions that are going to remake the face of our city. This will guarantee public input and political accountability.

Councillor Thompson's Proposed AKBLG Resolution:

**WHEREAS substance use, particularly drug addiction, is considered a mental health issue;**

**AND WHEREAS smaller communities do not have many of the supports required to assist those wanting to recover from addiction and detox followed by immediate rehabilitation is necessary in order to recover and the wait time between the two can be up to three months;**

**THEREFORE BE IT RESOLVED THAT the Ministry of Mental Health and Addictions be encouraged to fund more detox and rehabilitation centres throughout the Province, particularly in rural and remote communities.**

Councillor Moslin's Proposed AKBLG Resolution:

**WHEREAS the City of Grand Forks has been devastated by a recent flood and is challenged to protect and to rebuild its downtown core as a vibrant commercial area;**

**AND WHEREAS the basic principle of Community Charter is that municipalities and the Provincial government should foster cooperative approaches to matters of mutual interest;**

**AND WHEREAS BC Housing failed to consult Council about the location or size of supportive housing facilities before land was purchased and designs chosen;**

**THEREFORE BE IT RESOLVED THAT BC Housing seek local government's approval before land is purchased for supportive housing initiatives.**

# Request for Decision



To: Regular Meeting  
From: **Procedure Bylaw / Corporate Services**  
Date: February 25, 2019  
Subject: Report – from the Council's Representative to the Regional District of Kootenay Boundary  
Recommendation: **THAT Mayor Taylor's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting, be received.**

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## Background

Under the City's Procedures Bylaw No. 1946, 2013, the Order of Business permits the City's representative to the Regional District of Kootenay to report to Council and the Community on issues, and actions of the Regional District of Kootenay Boundary.

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## Benefits or Impacts

### General

The main advantage is that all of Council and the Public is provided with information on the Regional District of Kootenay Boundary.

### Strategic Impact



#### Community Engagement

- Information sharing with members of Council and the Public regarding regional issues.

### Policy/Legislation

Procedure Bylaw No. 1946, 2013

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## Recommendation

**THAT Mayor Taylor's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting, be received.**

## Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

# Request for Decision



To: Regular Meeting  
From: **Corporate Administration/Planning**  
Date: February 25, 2019  
Subject: Temporary Use Permit Information - Cannabis  
Recommendation: **THAT Council directs Staff to create a Temporary Use Permit (TUP) application form in a one-year increment with options for extension containing a disclaimer that applicants are applying at their own risk of Provincial cannabis retail license denial or legal closure, intended for proponents who are entrepreneurs of the sale of medicinal use Cannabis products and bring back to Council for review.**

**THAT Council determines not to issue Temporary Use Permits to proponents who are applicants for the sale of recreational (non-medicinal) Cannabis products applying to the Provincial Cannabis approval process, as recreational Cannabis retail stores cannot be legally operating prior to the Province issuing those licenses, as the issuance of a Temporary Use Permit may hinder the Provincial Cannabis Licensing Approval.**

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## Background

At the February 11<sup>th</sup>, 2019, Committee of the Whole, Council discussed possibilities for an interim approval process regarding medical and non-medical cannabis businesses to potentially operate in the City while the legislative Provincial and City processes advance and in addition, to on-going court cases as it pertained to medicinal operations.

Staff received a legal opinion during the creation of this report and the opinion was:

- Regarding medicinal use, the risk of the municipality to grant a Temporary Use Permit indicated minimal risk to the municipality other than that of a Political Risk where constituents could question Council's decision to allow a Temporary Use Permit (TUP) to an illegal operation. The medicinal use situation is currently in the court system and no timeframe to any decision is yet to be determined. The major jeopardy is on the proponents with the risk of police involvement.
- Regarding non-medicinal (recreational use) Cannabis Sales currently applying for a Provincial License: the legal advice on this was not to issue Temporary Use Permits as an interim vehicle, as this could potentially place the applicants at great risk of being denied a license from the Province. "They simply can't be operating prior to the Provincial inspection and the issuing of the license." Again,



as with the medicinal example, the risk to the municipality is nominal as it relates to a Temporary Use permit; it is a greater risk for the proponent.

The challenge as a municipality in reviewing this advice and suggested recommendations is that:

- It is currently viewed by the legal world and police that it is an illegal offence to operate a retail cannabis store without a provincial license
- The intent of these stores is to provide a service to the community who are either in medical need or for a recreational market
- There is an economic objective where the municipality seeks to encourage enterprise and new businesses to thrive and grow within the community
- Staff is recommending that no new business licenses should be issued until the Province cannabis license approval has been granted to the applicants.
- The fairness piece – the struggle in the resolutions to suggest that the medicinal retail that is currently “on hold” in the court system, may be granted a temporary use permit; whereas recreational retail stores who are applying through the Province would have to wait for the process to complete. Are these businesses willing to risk having a Temporary Use Permit to operate sooner only to risk losing the Provincial License?

Staff researched a cross section of available information from three other municipalities. Council to note that there are different Temporary Use Permits as sited in the Local Government Act. Section 493(2)(a) is a Temporary Use Permit to allow a use not permitted by Zoning Bylaw, as shown in the first couple of examples. As this is a permitted use in our Zoning Bylaw, the provision for a TUP for Grand Forks would be Section 493(2)(b) to specify conditions under which the temporary use may be carried on.

- Town of Gibsons – They have issued TUP's for cannabis use medicinal and non-medicinal retail; they have no local government cannabis provisions in their zoning bylaw. Recent newspaper shows an article where the town asked for legal advice after the granting of a TUP where a quote from a lawyer was, “It's illegal to operate a retail store without a provincial license so it doesn't matter what the municipality does.”
- District of Tofino – They do not have cannabis provisions in their zoning bylaw and have just approved (on February 12, 2019), the use of Temporary Use Permits to allow for a cannabis retail operation at selected locations for a period of three years. While their preamble makes mention to the recent legalization of recreational cannabis, their TUP application doesn't specify recreation cannabis only. Tofino is indicated an “intake period” for applications where proponents may apply within a time window and it appears that only three applications will be considered through Council.
- City of Nelson – There were existing business licenses issued to several medical cannabis operations, and in October, 2018, Council voted to have them remain in

effect until expiry of December last year; since that date no further extensions have been granted. The City of Nelson does have provisions for cannabis stores defined in their Zoning Bylaw.

Information from their planning department suggested to our staff that applicants could be approved for a TUP on the condition that they are moving through the provincial process and meet all provincial guidelines, and once they move through the provincial process and Council is satisfied with the operation of the dispensary, they can recommend to the Province that they receive a provincial license at which time a business license must be purchased. However, this was not a legal opinion.

The City of Nelson recently advised Council of four applications for Cannabis Retail stores that have applied to the Province for their license and are currently going through their municipal process; there was no mention of Temporary Use Permits in this report.

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## Benefits or Impacts

### General

To provide support for the cannabis market as the province, municipalities and businesses move through the new processes

### Strategic Impact



#### Community Engagement

- A Temporary Use Permit process requires consultation from the public



#### Community Livability

- As it pertains to medicinal needs or for recreation



#### Economic Growth

- Support of businesses within the cannabis industry

### Policy/Legislation

Local governments have the ability to provide Temporary Use Permits under the criteria of the Local Government Act. Local governments play a pertinent role through the process of Provincial Licensing of Recreational Cannabis

## Attachments

Nil

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## Recommendation

**THAT Council directs Staff to create a Temporary Use Permit (TUP) application form in a one-year increment with options for extension containing a disclaimer that applicants are applying at their own risk of Provincial cannabis retail license denial or legal closure, intended for proponents who are entrepreneurs of the sale of medicinal use Cannabis products and bring back to Council for review.**

**THAT Council determines not to issue Temporary Use Permits to proponents who are applicants for the sale of recreational (non-medicinal) Cannabis products applying to the Provincial Cannabis approval process, as recreational Cannabis retail stores cannot be legally operating prior to the Province issuing those licenses, as the issuance of a Temporary Use Permit may hinder the Provincial Cannabis Licensing Approval.**

## Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council determines to direct staff to create a Temporary Use Permit application form in a one-year increment containing a disclaimer that applicants are applying at their own risk of Provincial cannabis license denial or legal closure, to address both medicinal and recreational retail Cannabis operations and to bring back to Council for review.

# Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: February 25, 2019

Subject: Third Reading – Rezoning from R1 – Residential (Single and Two Family Zone) to CD – 1 (Comprehensive Development 1 Zone) to accommodate a Mobile Home Park and Ecological Reserve – Boundary Drive North (File: ZA1803)

Recommendation: **THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A2 and not proceed to final reading until the servicing agreement, development permit and all other identified issues are resolved to the satisfaction of the City.**

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## Background

### Overview

On January 28, 2019 (see Agenda item No. 11.b), Council gave first and second reading to Zoning Bylaw Amendment No. 2039-A2, which will rezone 1.2 hectares (3 acres) from R1 – Residential (Single and Two Family Zone) to CD – 1 (Comprehensive Development 1 Zone) to accommodate a mobile home park and ecological reserve on the northerly extent of Boundary Drive.

A statutory public hearing was held at 6pm on February 11, 2019 Council heard comments from the public on the proposed bylaw amendment. These comments are summarized in the meeting minutes of the hearing.

After due consideration of comments received at the public hearing, Council may give the bylaw amendment third reading, thereby enabling the mobile home development to move forward into the detailed design stage.

### Public Notification

In accordance with the requirements of the Local Government Act, notice of the public hearing was advertised in the Gazette on January 30<sup>th</sup> and February 6<sup>th</sup>. Written notification of the public hearing was also sent to property owners within 30 metres of the property to be rezoned. No written concerns or comments were received as a result of these notifications.

### Issues to be Resolved Prior to Bylaw Adoption

The applicant will be required to address the following matters prior to final adoption of the rezoning bylaw:

- Completion of a servicing agreement with the City (as per Bylaw No. 1970) which will specify duties and obligations respecting the provision of sewer, water, roads, drainage, stormwater management, fire protection, electrical and performance securities to ensure that servicing infrastructure is adequately installed and maintained (the proponent is required to prepare a draft servicing agreement for consideration and acceptance by the City);
- Landscaping and screening to mitigate impacts on adjacent development and the wetlands including bonding/security to ensure that the landscaping is undertaken and maintained to a specified standard;
- Precise delineation of the ecological reserve and development setback, confirmed by survey and a qualified environmental professional;
- Payment of Development Cost Charges (DCCs) at the time of building permit application, as per City bylaws;
- Latecomer or related agreements proposed by the applicant must be acceptable to the City.
- The most northerly lot 18 is designated in the Official Community Plan as being within the Environmentally Sensitive Development Permit Area and therefore requires a development permit (see below);
- Prior to building permits being issued for the site, the three existing parcels must be consolidated into one.

#### **Development Permit Required**

Lot 18 (the northernmost lot) is located within the Environmentally Sensitive Development Permit Area due to the presence of a natural wetland along the northwest property line. Accordingly, before any development takes place on this property, a development permit must be obtained to ensure that there are no negative environmental impacts. A development permit application will be submitted by the applicant for review and will be considered by Council under a separate corporate report.

#### **Timing**

Once this zoning bylaw amendment receives third reading, the next steps and estimated time frame are outlined below:

<b>Activity</b>	<b>Timing</b>
<i>First and second reading of the rezoning bylaw.</i>	<i>January 28, 2019</i>
<i>Public Hearing advertised twice and residents within 30 metres notified in writing of the application.</i>	<i>January 30 &amp; February 6<sup>th</sup>, 2019</i>
<i>Public Hearing held by City Council.</i>	<i>February 11, 2019</i>
<b>Third reading of the rezoning bylaw.</b>	<b>February 25, 2019</b>
Servicing agreement finalized; MOTI approval; development permit reviewed.	February/March, 2019
Final reading of the bylaw and Development Permit (Environmental) considered for approval.	March, April
Site servicing; building permit applications reviewed and issued.	April, 2019, ongoing

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## Benefits or Impacts

### General

This bylaw enacts a zoning provision to accommodate comprehensively designed, site specific developments in the City that involve sensitive ecosystem protection, contain unique elements of benefit to the community or deliver affordable and innovative housing.

### Strategic Impact



#### Community Engagement

- The public was advised and invited to comment on the rezoning application in writing and through advertisements in the Gazette. A public hearing was held to allow Council to hear any comments or concerns respecting the proposal.



#### Community Livability

- The project would contribute much needed housing to the City and offer an alternative to regular rental or fee simple ownership.



#### Economic Growth

- An alternative housing type may make it easier and more affordable for the local work force to relocate to or remain in Grand Forks. Once a municipal sewer/water line is brought to this site, fronting land owners may be able to utilize the servicing which may induce new developments in the area.



#### Fiscal Responsibility

- Preparation of all servicing and development agreements, engineering designs and legal costs, as well as all on and off-site servicing costs, will be borne by the developer thereby not burdening the existing taxpayers.

### Policy/Legislation

The Official Community Plan, Zoning Bylaw, Local Government Act and the Subdivision, Development and Servicing Bylaw No. 1970, 2014.

## Attachments

Bylaw No. 2039-A2

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## Recommendation

**THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A2 and not proceed to final reading until the servicing agreement, development permit and all other identified issues are resolved to the satisfaction of the City.**

## Options

1. THAT Council accepts the report and gives third reading to Bylaw No. 2039-A2.
2. THAT Council does not accept the report or undertake the bylaw reading.
3. THAT Council refers the matter back to staff for further information.

### Report Approval Details

Document Title:	2019-02-25-ZA1803-Bylaw_2039-A2-RFD_3rd_Reading.docx
Attachments:	- Final Bylaw 2039-A2 CD 1 Zone Mobile Home Park Boundary Drive.pdf
Final Approval Date:	Feb 20, 2019

This report and all of its attachments were approved and signed as outlined below:

**Diane Heinrich - Feb 20, 2019 - 2:23 PM**



**Comprehensive Development Zone (CD-1)  
Ecological Reserve and 25-unit Mobile Home Park  
North Boundary Drive**

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**THE CORPORATION OF THE CITY OF GRAND FORKS**

**Bylaw No. 2039-A2**

**A Bylaw to Amend the City of Grand Forks  
Zoning Bylaw No. 2039, 2018.**

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The Corporation of the City of Grand Forks **ENACTS** as follows:

1. This bylaw may be cited for all purposes as “**Zoning Bylaw Amendment No. 2039-A2, 2019**”.
2. Amend Bylaw No. 2039 as follows:
  - a. **INSERT** under Part VI Zones after Section 58, a Section 59 CD (Comprehensive Development) Zones; and CD-1 (Comprehensive Development 1) Zone (Boundary Drive North Mobile Home Park):

**“59 CD (Comprehensive Development) Zones**

59.1 Comprehensive Development Zones are intended to accommodate and regulate the development of a use or mixture of uses based on a comprehensive plan. They are typically created for reasons such as:

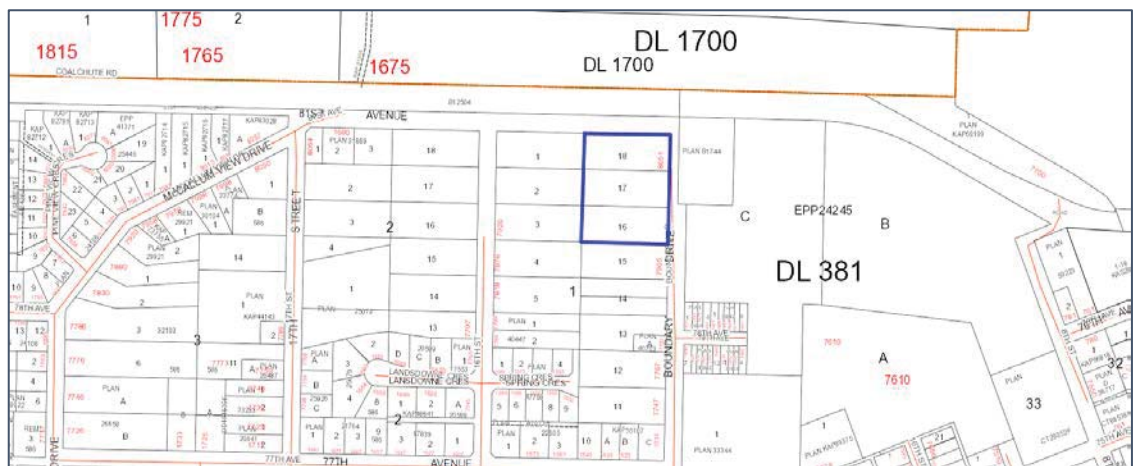
- a) sensitive ecosystem protection;
- b) to ensure specific design and permitted use provisions;
- c) to accommodate affordable or innovative housing; and/or
- d) to encourage development with unique elements of benefit to the community.

59.2 Parts 1 to 11 apply to the Comprehensive Development Zones except where there is an inconsistency with a specific regulation in Part 59, in which case the specific regulation in Part 59 applies.

59.3 CD-1 (Comprehensive Development 1) Zone (North Boundary Drive Mobile Home Park)

59.3.1 Every subsection in Section 59.3 refers to the CD-1 (Comprehensive Development 1) Zone.

59.3.2 Location: This CD-1 zone applies to approximately 1.2 hectares (3 acres) located on the west side of the most northerly extent of Boundary Drive as shown on the map below.



59.3.3 Intent: The intent of this zone is to allow for the development of a maximum 25-unit mobile home park, to ensure protection of an ecologically sensitive area in perpetuity, and to accommodate innovative, affordable home ownership and rental options in the City.

59.3.4 Development Areas: This CD Zone is divided into two areas as shown in Schedule A-I appended to this bylaw:

Area	Land Use
Area 1	Ecological reserve, conservation area, no build area.
Area 2	Comprehensively designed mobile home park.

59.3.5 Within the CD-1 Zone, the lands shall be developed for a comprehensively designed 25-unit mobile home park and a protected ecological reserve in accordance with the plans and drawings in Schedules A-2, A-3 and A-4 appended to this bylaw.

59.3.6 The following uses and no others are permitted in Area 1:  
(a) ecological reserve.

59.3.7 The following uses and no others are permitted in Area 2:  
(a) one single-family dwelling;  
(c) mobile home park;  
(d) recreation facilities;  
(e) laundry facilities; and  
(f) home occupations.

59.3.8 No buildings or structures shall be located within 15 metres of the edge of the wetland or ecological reserve identified in Schedule A-1.

59.3.9 Permitted accessory uses and buildings include buildings or structures accessory to any of the uses permitted in Area 1 and 2 of this zone.

- 59.3.10 The minimum parcel size for subdivision purposes is 0.5 hectares.
- 59.3.11 The maximum permitted lot area coverage for all buildings and structures shall be 60%.
- 59.3.12 No principal building or structure shall exceed 7.5 metres in height.
- 59.3.13 The minimum size for a mobile home or single-family dwelling shall be 30 square metres.
- 59.3.14 The minimum size of a regular (double-wide) mobile home space shall be 325 square metres and the minimum size of a small (single-wide) mobile home space shall be 228 square metres.
- 59.3.15 Off-street parking shall be provided in accordance with the Grand Forks Zoning Bylaw as amended.
- 59.3.16 Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- (a) 3 metres of the front parcel line on Boundary Drive, except for mobile home spaces No. 1, 2 and 16 shown on the concept plan in Schedule II, where no building or structure shall be located within 4.6 metres of the front parcel line on Boundary Drive;
  - (b) 1.5 metres of a side parcel line; or
  - (c) 3 metres of a rear parcel line or exterior side parcel line.
- 59.3.17 On each mobile home space only 1 detached storage shed or accessory building not exceeding 13 square metres in size, may be located, subject to the following regulations:
- (a) that such storage shed or accessory building be constructed and finished so that the design, construction and finish will complement and blend in with the mobile home;
  - (b) that the height of the storage shed or accessory building not exceed the height of the principle dwelling (mobile home); and,
  - (c) that such storage shed or accessory building be located to the side or rear of the mobile home and placed not closer than 1 metre to the mobile home.
- 59.3.18 A fence not more than 1.8 metre high, a continuous vegetative landscape screen not less than 1.8 metres high, or a combination of both shall be located around the perimeter of the site.
- 59.3.19 The mobile home park shall be landscaped in accordance with the landscape concept plan as shown in Schedule A-3 appended to this bylaw."

3. Incorporation

Schedule "A-1", "A-2", "A-3" and "A-4" are hereby made part of Bylaw No. 2039.

Read a **FIRST** time this      day of      , 2019.

Read a **SECOND** time this      day of      , 2019.

Read a **THIRD** time this      day of      , 2019.

**APPROVED** by the Ministry of Transportation and Infrastructure this \_\_\_\_ day of \_\_\_\_\_, 2019.

**FINALLY ADOPTED** this      day of      , 2019.

\_\_\_\_\_  
Mayor Brian Taylor

\_\_\_\_\_  
Corporate Officer Daniel Drexler

### **CERTIFICATE**

I hereby certify the foregoing to be a true copy of Bylaw No. 2039-A2 as passed by the Council  
of the City of Grand Forks on the      day of      , 2019.

\_\_\_\_\_  
Corporate Officer of the Corporation of the  
City of Grand Forks



59.1m

Area 1  
Ecological Reserve  
0.13 ha

41.3m

Land areas shown are approximate.  
All land areas to be confirmed by survey and a qualified environmental professional.

Area 2  
Mobile Home Park  
1.09 ha

Boundary Drive

Ecological Reserve

0 5 10 20 30 40 50

Meters





Red Outline denotes spaces available for "Tiny Homes"

11

DATE : DEC 2018  
DRAWN BY: AC  
DESIGN BY: AC  
SCALE: 1/8" = 1' 0"



REVISIONS		
date	comments	by
Dec 2018	Client review	AC
Jan 1, 2019	Client review	AC

# CONCEPT LAYOUT

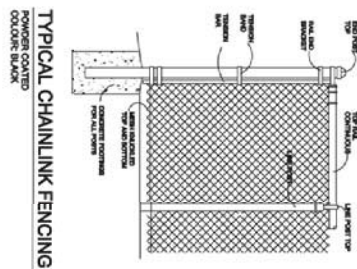
Lone Pine Manufactured Home Park, Grand Forks BC  
2018





Scientific Name	Common Name	Spacing (ft/s)	Size	Hardy Zone
<i>Aronia melanocarpa</i> 'Low Scape Mound'	Low Scape Mound Chokeberry	2'x2'	2 gal.	3-9
<i>Juniperus virginiana</i> 'Blue Arrow'	Blue Arrow Juniper	15'x3'	2 gal.	4-9
<i>Pinus mugo</i> 'Columnaris'	Columnar Mugo Pine	7.5'x3'	2 gal.	2-7

Scientific Name	Common Name	Spacing (ft/s)	Size	Hardy Zone
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# Schedule "A-4" - Site Plan



L3

DATE : DEC 2018  
DRAWN BY: AC  
DESIGN BY: VK  
SCALE: 1/64" = 1' 0"



REVISIONS	DATE	BY	DESCRIPTION
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25 MOBILE HOME SITES  
Lone Pine Manufactured Home Park, Grand Forks BC  
2018

