



# The Corporation of the City of Grand Forks

## Public Hearing

### AGENDA

Meeting #: PH2019-02  
Date: Monday, May 6, 2019, 6:00 pm  
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

#### 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 - Official Community Plan Bylaw No. 1919 and/or 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 April 24, 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.

#### 2. Notification of Meeting

#### 3. Individual Bylaw Submissions

- a. 2019-05-06-ZA1903-2575-75thAve\_Hutton\_PH  
*Development, Engineering & Planning*

3 - 30

**4. Adjournment**

**5. Procedure on each Bylaw Submission**

(a) Brief description of the application by City Staff (Planning Department);

(b) The Chair will request that the Corporate Officer indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

- i. The microphone at the delegates table has been provided for any person(s) wishing to make representation at the Hearing.
- ii. The Chair will recognize ONLY speakers at the delegation table.
- iii. Those who wish to speak concerning the proposed bylaw should, at the appropriate time, commence your address to the Council and the meeting by clearly stating your name and address.
- iv. Speakers are encouraged to limit their remarks to 5 minutes; however, if they have additional information, they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the next Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. Please ask staff for assistance prior to the Hearing if required.

# Memo



To: PUBLIC HEARING  
From: **Development, Engineering & Planning**  
Date: 2019-05-06  
Subject: Proposed Subdivision, Rezoning and Consideration of approximately 0.5 hectares for parking lot expansion to relieve traffic congestion and alleviate safety concerns at John A. Hutton Elementary School (File: ZA1903).

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## Summary

In early 2017, the City received a request to support an application to the Agricultural Land Commission (ALC) to subdivide and rezone 0.5 hectares (ha) for parking lot expansion to relieve congestion and alleviate safety concerns at John A. Hutton Elementary School. The application was submitted to the ALC by the owners of the two properties required for the development to occur: ABH Tire Ltd., Inc. No BC0260429 and the Board of Education of School District 51.

The proposal submitted to the ALC by the applicants was to subdivide 0.5 ha from a 13.4 ha parcel (**Property 1** - farm land) and consolidate the 0.5 ha parcel with the 2.4 ha parcel (**Property 2** – John A. Hutton Elementary School) to permit the construction of additional parking for John A. Hutton Elementary School.

The current zoning for property 1 is R4A - Rural Residential 4A. The current zoning for property 2 is CU – Community Use. A rezoning is required because “educational buildings” are not permitted in the R4A zone. “Educational buildings” are permitted in the CU zone. Section 56.3 of Zoning Bylaw 2039 permits buildings and structures accessory to the uses permitted in the CU zone. The proposed parking lot is an accessory structure.

The properties (see Appendix A pages 5 – 6) are located within the ALR. The reconfigured properties will remain in the ALR.

## Background

At the July 17, 2017 regular meeting, Council supported the application and directed staff to complete the Local Government Report and submit to the Agricultural Land Commission.

On June 6, 2018, the applicants received approval of their joint submission to the Agricultural Land Commission (ALC) for a lot line boundary adjustment and non-farm use within the Agricultural Land Reserve (ALR) (Appendix B).

At the April 8, 2019 regular meeting, Council gave first and second readings for the zoning bylaw amendment and instructed staff to schedule a public hearing and proceed with the

legislative requirements to complete the subdivision/rezoning/consolidation process required for the development to proceed.

One of the conditions required by the ALC was a traffic and parking study. The DC Dean Associates Inc. parking and traffic study outlining the requirements for additional parking and improved traffic flow is attached as Appendix C. Amongst other things, the author of the study identified numerous examples of parents making unsafe movements. These unsafe movements included U-turns, driving on the wrong side of the road, picking up in the middle of road, and inappropriate parking choices. Actions, the report author suggests, are likely influenced by the lack of proper facilities and formalized areas of road user space.

## Properties

### Property 1

**Parcel Identifier:** 007-247-095

**Legal Description:**

Lot 2, Plan KAP5090, District Lot 520, Similkameen Division Yale District, Except:

1. Plan 5210, 8653, 11971, 12795, 13376, 19535, 21583, 23494, and 38138
2. Parts Outlined in Red on Plans B7375 and E10098.

**Area:** 13.4 ha

**Civic Address:** 2393 75<sup>th</sup> Ave

**Owner:** ABH Tire Ltd.

### Property 2

**Parcel Identifier:** 009-241-051

**Legal Description:**

Lot A, District Lot 520, Similkameen Division, Yale District, Plan 13376

**Area:** 2.4 ha

**Civic Address:** 2575 75<sup>th</sup> Ave

**Owner:** John A. Hutton Elementary School

## Policy and Zoning Framework

The current zoning for property 1 is R4A - Rural Residential 4A. The current zoning for property 2 is CU – Community Use.

The future land use for Property 1 as shown in the Official Community Plan (OCP) is Agriculture/Rural (AR). The future land use for Property 2 as shown in the OCP is Institutional (IN).

One of the guiding principles in the OCP is to ensure safety for all. This is inline with the OCP principle to improve mobility by creating more opportunity for safe and convenient movement around the City by foot and cycle.

Neither property 1 nor property 2 are in a development permit area.

The major road fronting John A. Hutton Elementary School, 75<sup>th</sup> Avenue, is highlighted as part of the proposed non-motorized trail system in the OCP bicycle network plan.

## Servicing and Infrastructure

The applicant will be required to enter into a Works and Services Agreement with the City. The Works and Services Agreement will be finalized prior to final reading of the rezoning bylaw. Components of the Works and Services Agreement may include but are not limited to required infrastructure, landscaping, screening, fencing and fees and charges as required.

## Proposed Timing

If the rezoning application moves forward, the next steps and estimated time frame are as outlined below:

ACTIVITY	TIMING
Committee of the Whole recommends that the application / bylaw move forward to the regular meeting for 1 <sup>st</sup> and 2 <sup>nd</sup> readings.	April 8, 2019
The rezoning bylaw goes before council for 1 <sup>st</sup> and 2 <sup>nd</sup> readings.	April 8, 2019
Bylaw and Public Hearing advertised twice and residents within 30m notified in writing of the application.	April 21 <sup>st</sup> & May 1 <sup>st</sup> , 2019
Public Hearing held by City Council.	May 6 <sup>th</sup> , 2019
Third reading of the rezoning bylaw	May 6 <sup>th</sup> , 2019
Works and Services Agreement finalized; Ministry of Transportation and Infrastructure Approval	April/May, 2019
Fourth (final) reading of the bylaw	May 21 <sup>st</sup> , 2019
Site Servicing completed	May 21 <sup>st</sup> , 2019

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## Benefits or Impacts

### General

As outlined above, the OCP generally supports the proposed subdivision, rezoning and consolidation of 0.5 hectares (ha) for parking lot expansion to relieve congestion and alleviate safety concerns at John A. Hutton Elementary School.

## Strategic Impact



### Community Engagement

- The public will be advised and invited to comment on the rezoning application in writing and through advertising in the local newspaper, the Grand Forks Gazette.
- Council will have an opportunity to hear any comments or concerns regarding the proposal.



### Community Livability

- The parking lot expansion to relieve congestion and alleviate safety concerns at John A. Hutton Elementary School may encourage increased pedestrian traffic and reduced use of automobiles.

## Policy/Legislation

The Official Community Plan, Zoning Bylaw, Local Government Act, Planning Procedures and Fees Bylaw, Agricultural Land Commission Act.

## Attachments

Appendix A	Applicant and Site Information (7 Pages)
Appendix B	Agricultural Land Commission Decision - ALC File: 56485 (7 Pages)
Appendix C	DC Dean Associates Inc. - Traffic and Parking Study (6 Pages)
Appendix D	Draft Bylaw No. 2039-A5 (2 Pages)



THE CORPORATION OF THE CITY OF GRAND FORKS

247 - 4TH STREET, BOX 280 GRAND FORKS, BC V0H 1H0 • FAX 250-442-8000 • TELEPHONE 250-442-8266



REZONING APPLICATION

APPLICATION FEE \$1,000.00 File No. 09-4600-02- \_\_\_\_\_ Receipt No. 220083

Applicant Information

Registered Owner(s): ABH TIRE LTD

Please note: If the applicant is other than the registered owner(s), an Agent's Authorization form is required.

Owner's Mailing Address:

2923 Central ave Grand Forks BC  
V0H 1H2

E-mail Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Property Information

Legal Description: Plan 5090 Lot 2 DL# 520 75th ave  
EXC PL: 5210, 8653, 11971, 12795, 13376, 19535, 21583,  
23494, 38138

P.I.D.: 007 247 095

Civic Address of Property: \_\_\_\_\_

Rezoning Proposal

Current Zoning: R4A Current OCP Designation: \_\_\_\_\_ Proposed Zoning: CU

Summary of Proposal:

Rezoning and subdividing .5 hectare  
off of field for Hutton Elementary parking  
lot.

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**Submission Requirements:**

Please submit the following information with this application:

- 1) A legible site plan, drawn to scale, showing the following:
  - a) The boundaries and dimensions of the subject property;
  - b) The location, setbacks and dimensions of the proposed and existing buildings;
  - c) The location of off-street parking; and,
  - d) The location of roads, lanes, pedestrian access routes, screening, landscaping and fencing.
- 2) Certificate of Title.
- 3) Site Profile Form.

*Please note that upon City Council's approval of this development permit application, you must apply for and obtain a building permit before starting construction.*

**Applicant Acknowledgement**

I, the undersigned, make this application to the City of Grand Forks, have fulfilled the application requirements, and understand that this application is subject to the *Freedom of Information and Protection of Privacy Act* of BC.

	
Applicant's signature	Date

Thank you for providing information about your proposal.  
If you have any questions, please contact City staff at (250) 442-8266 or [planning@grandforks.ca](mailto:planning@grandforks.ca).



THE CORPORATION OF THE CITY OF GRAND FORKS



**Subdivision Application Form**

- |  |                                 |   |
|--|---------------------------------|---|
| <input type="checkbox"/> Preliminary Layout Acceptance | <input type="checkbox"/> PLA    | <input type="checkbox"/> PLA Amendment    |
| <input type="checkbox"/> Strata Conversion             | <input type="checkbox"/> Form P | <input type="checkbox"/> Form P Amendment |
| <input type="checkbox"/> Final Approval                |                                 |   |

**Contact Information**

Name of Applicant (Contact Person):

*\*If the applicant is not the registered owner an Appointment of Agent form will be required.*

Company Name (if applicable):

ABH TIRE LTD

Company Search (if applicable):

Phone 1:

Phone 2:

Fax:

Email:

Mailing Address:

2923 Central ave Grand Forks BC V0H 1H2

Please indicate preferred method of correspondence ☒ Email ☐ Post ☐ Fax

**Property**

Civic Address of Property:

75th Ave

Zoning of Property:

R4A → CU

Subdivision Type:

**All PLA submission application must have previously completed a pre-application meeting.**

**Please ensure you have completed and signed the PLA or Final Application and Checklist as part of your submission.**

Signature for Subdivision Review

I/we hereby declare that all of the above statements and the information and materials submitted in support of this application are, to the best of my knowledge, true and correct in all aspects.

March 20/19

Date

Applicant Signature (print name also)

Date

Applicant Signature (print name also)



## Subdivision Application Fees

PLA Application Fees	
The following fees must be paid to the City of Grand Forks at the time of application:	
<input checked="" type="checkbox"/> Preliminary Layout Acceptance (for one or more lots)	\$400.00
<input checked="" type="checkbox"/> Boundary Adjustment	\$100.00
<input type="checkbox"/> Strata Conversion	\$100.00/unit
<input type="checkbox"/> Form P (for phased strata development)	\$
<input type="checkbox"/> Form P Amendment	\$
<input type="checkbox"/> PLA Extension	\$
<input type="checkbox"/> PLA Amendment	\$

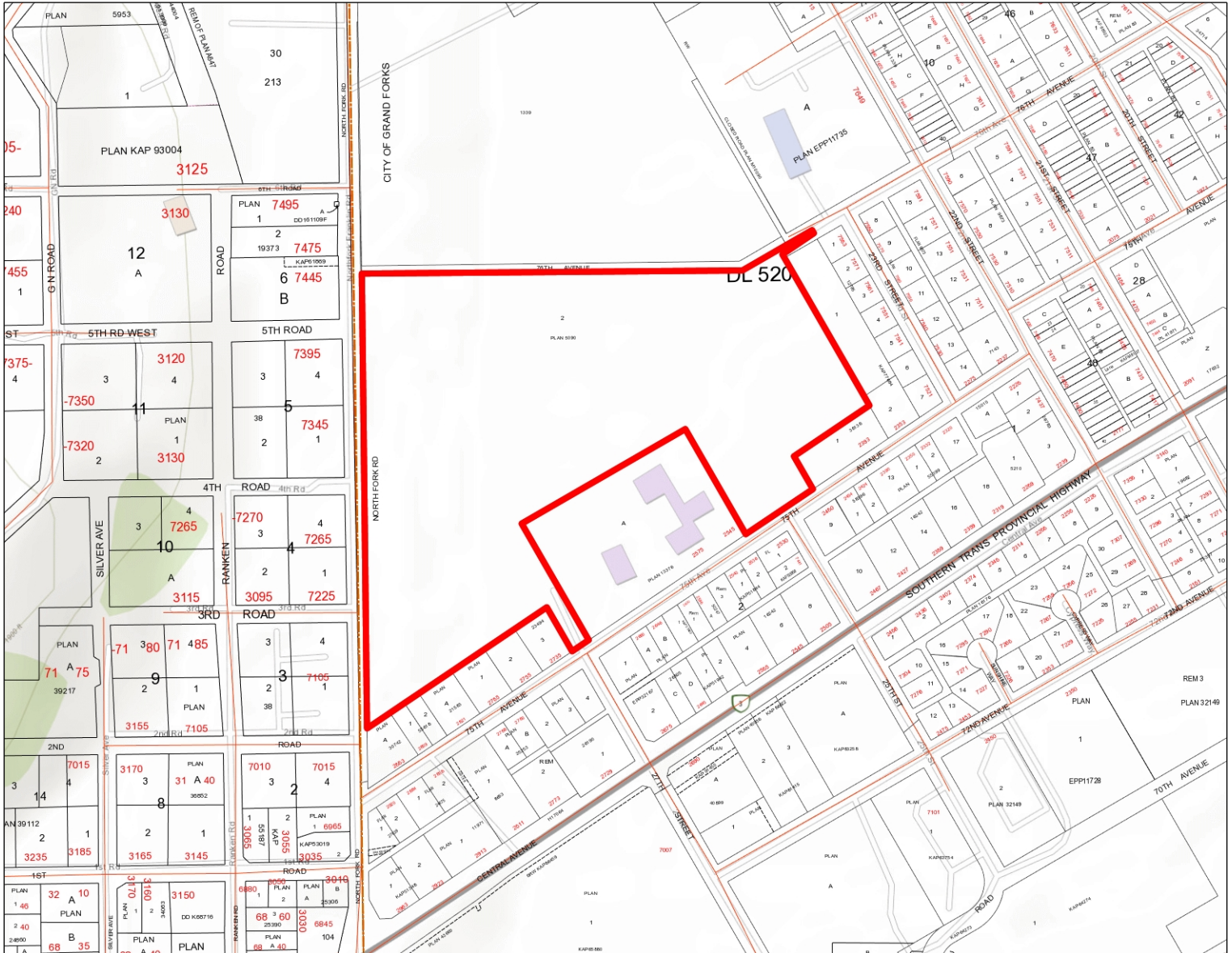
Final Application Fees	
The following fees must be paid to the City of Grand Forks at the time of application:	
<input type="checkbox"/> Final Subdivision Approval	\$
<input type="checkbox"/> Final Approval for each phase of Form P	\$
<input type="checkbox"/> Plan Examination Fee	\$





The City of Grand Forks makes every effort to ensure that this map is free of errors but cannot guarantee accuracy or fitness for any purpose, and does not provide warranty of any kind. The City accepts no liability for any expenses, losses, damages or costs relating to the use of this map or data. Data must not be used for direct marketing or be used in the breach of the privacy laws. Data must not be used for direct marketing or be used in the breach of privacy laws, it is intended only for the requested use. The data must not be circulated or copied without prior consent of the City of Grand Forks.





Scale 1: 4,514

## Legal Information

Plan: KAP5090	Section:	Jurs: 210	Lot Area: 33.061
Block:	Township:	Roll: 1000000	Area Unit: acr
Lot: 2	Land District: 54	PID: 007247095	Width (ft):
District Lot: 520	Electoral Area: City of Grand Forks		Depth (ft):
Street: 2393 75TH AVE			
Description: Lot 2, Plan KAP5090, District Lot 520, Similkameen Div of Yale Land District, Except Plan 5210 8653 11971 12795 13376 19535 21583 23494 38138, & EXC PARTS RED ON PLANS B7375 & E10098			



Scale 1: 2,257

## Legal Information

Plan: KAP13376	Section:	Jurs: 210	Lot Area: 6.04
Block:	Township:	Roll: 1040000	Area Unit: acr
Lot: A	Land District: 54	PID: 009241051	Width (ft):
District Lot: 520	Electoral Area: City of Grand Forks		Depth (ft):
Street: 2545 75TH AVE			
Description: Lot A, Plan KAP13376, District Lot 520, Similkameen Div of Yale Land District, SCHOOL LAND			



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

June 6, 2018

ALC File: 56485

**Jeremy Martens**

**DELIVERED ELECTRONICALLY**

Dear Mr. Martens:

**Re: Application 56485 for subdivision in the Agricultural Land Reserve**

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #172/2018). As agent, it is your responsibility to notify the applicant accordingly.

**Review of Decisions by the Chair**

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

**Request for Reconsideration of a Decision**

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Riccardo Peggi at [Riccardo.Peggi@gov.bc.ca](mailto:Riccardo.Peggi@gov.bc.ca).

Yours truly,

A handwritten signature in dark ink, appearing to read 'Ric Peggi', is written over a light blue horizontal line.

Riccardo Peggi, Land Use Planner

Enclosure:   Reasons for Decision (Resolution #172/2018)  
                  Decision Map

cc: City of Grand Forks (File: 2017\_ALC\_56485)



**AGRICULTURAL LAND COMMISSION FILE 56485**  
**REASONS FOR DECISION OF THE KOOTENAY PANEL**

**Subdivision application submitted under s. 21(2) of the *Agricultural Land Commission Act***

**Applicants:** ABH Tire Ltd., Inc. No. BC0260429  
Board of Education of School District 51

**Agent:** Jeremy Martens

**Properties:** Property 1  
Parcel Identifier: 007-247-095  
Lot 2, District Lot 520, Similkameen Division,  
Yale District, District Plan 5090, Except:  
(1) Plans 5210, 8653, 11971, 12795, 13376,  
19535, 21583, 23494, and 38138  
(2) Parts Outlined in Red on Plans B7375 and  
E10098  
Area: 13.4 ha  
Civic Address: 2393 75<sup>th</sup> Ave, Grand Forks, BC  
Owner: ABH Tires Ltd.

Property 2  
Parcel Identifier: 009-241-051  
Lot A, District Lot 520, Similkameen Division, Yale  
District, Plan 13376  
Area: 2.4 ha  
Civic Address: 2575 75<sup>th</sup> Ave, Grand Forks, BC  
Owner: John A. Hutton Elementary School

**Panel:** David Zehnder , Kootenay Panel Chair  
Ian Knudsen



## **OVERVIEW**

- [1] The Properties are located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Properties are located within Zone 2 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to the Agricultural Land Commission (the "Commission") to transfer approximately 0.5 ha from Property 1 to Property 2 through a lot line boundary adjustment. The 0.5 ha area will be utilized as a parking area for John A. Hutton Elementary School to relieve traffic congestion on 75<sup>th</sup> Avenue and to alleviate safety concerns (the "Proposal").
- [3] The first issue the Panel considered is whether the Proposal would impact the agricultural utility of the Property.
- [4] The second issue the Panel considered is whether the Applicant's submission that the parking lot expansion is required at John A. Hutton Elementary School outweighs the considerations to agriculture.
- [5] The Proposal was considered in the context of s. 4.3 of the ALCA, which states:

*When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:*

- (a) The purposes of the commission set out in section 6;*
- (b) Economic, cultural and social values;*
- (c) Regional and community planning objectives;*
- (d) Other prescribed considerations*

The purposes of the Commission, set out in s. 6 of the ALCA, are:

- (a) To preserve agricultural land;*
- (b) To encourage farming on agricultural land in collaboration with other communities of interest; and,*





- (c) *To encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.*

## **EVIDENTIARY RECORD**

- [6] The Proposal along with related documentation from the Applicants, Agent, local government and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.

## **BACKGROUND**

- [7] In 1992, an exclusion application was submitted for both Property 1 and the adjacent property to the north for the purposes of residential development (ALC Application 1215). This application was refused by Resolution #491/1992 based on the significant agricultural history of the properties.
- [8] In 2004, a right-of-way to accommodate a bus loop for John A Hutton Elementary School (the "School") (ALC Application 41645) was conditionally approved by Resolution #600/2004. The conditions include the construction of a fence, planting of a vegetative buffer and compliance with the plan which would require approximately 3.3 ha of Property 1 to be added to Property 2.
- [9] In an email dated November 27, 2017, the School District No. 51 (the "School District") indicated that the plan approved by Resolution #600/2004 was cost prohibitive and therefore was not executed. The School District has partnered with the adjoining land owner (ABH Tire Ltd.) of Property 1 to submit the current Application as an alternative.
- [10] The Application was initially submitted requesting exclusion or subdivision, however, upon discussion with the Applicants, it was determined that the Proposal is for a lot line boundary adjustment and non-farm use within the ALR.

## **EVIDENCE AND FINDINGS**

### **Issue 1: Whether the Proposal would impact the agricultural utility of Property 1.**

[11] Property 1 is currently an open field with a history of agricultural use, while Property 2 is used for the School with buildings and a playing field. As there is an existing School located on Property 2, the Panel based its consideration of agricultural utility on Property 1.

[12] To assess agricultural capability on Property 1, the Panel referred to agricultural capability ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The unimproved agricultural capability ratings applicable to Property 1 is Class 3; more specifically 3M.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclass associated with this parcel of land is M (moisture deficiency).

[13] Based on the agricultural capability ratings, Property 1 has prime (Class 1-3) agricultural capability with the potential for a wide range of agriculture.

[14] The Panel considered whether Property 1 is suitable for agricultural use. While Property 1 is not currently farmed, it has suitability for agriculture based on its size, location and agricultural capability. This suitability is further demonstrated through the refusal of the previous 1992 application 41645 on the grounds that the properties' (both Property 1 and the northern adjacent property) significant agricultural history principally in vegetable production. The Panel therefore finds that Property 1 is suitable for agricultural use.

[15] The Panel considered the Proposal in contrast to the existing Commission approval, by Resolution #600/2004 for a bus loop around the school. The existing approval would impact approximately 3.3 ha of Property 1, while the current Proposal would impact approximately 0.5 ha. The Panel finds that the Proposal, in comparison to the area

approved in Resolution #600/2004 would utilize less land, leaving more of Property 1 available for agricultural use.

[16] The Panel then considered the configuration of the proposed 0.5 ha parking lot and the impact it would have on the use of Property 1 for agriculture. The proposed configuration lies adjacent to the east side of the School on Property 2, however, the impact to Property 1 is the creation of a 0.16 ha (38 m by 42m) area extending between the parking lot and adjacent parcel to the east. The Panel is concerned that that this 0.16 ha area would be challenging to utilize for agriculture in terms of tractor turn radius and wants to ensure a configuration that is suitable for contiguous use with the rest of Property 1. For this reason, the Panel requests that the Applicant provide a rationale of the proposed parking lot area and configuration and if any alternative areas or configurations that maximize the contiguous use of Property 1 for agriculture have been considered.

[17] When considering siting or expansion of non-farm uses, the Commission strives to minimize the impact to agriculture. In this case, the Panel wants to ensure that the proposed 0.5 ha area is necessary to accommodate the long-term requirements of parking for the School. For this reason, the Panel requests that the School provide a parking and traffic study in order to ascertain and justify the amount of parking required. This study should also consider the best configuration or design of the area to make best use of the space while ensuring that traffic flow and safety are improved.

**Issue 2: Whether the Applicant's submission that the parking lot expansion is required for the safety of students at John A. Hutton Elementary School.**

[18] The Application submits that the current parking lot at the School is overcrowded and that the School is requesting this boundary adjustment and non-farm use for the parking lot expansion for safety reasons. The Panel finds that the request for additional parking is likely necessary to alleviate safety concerns for patrons of John A. Hutton Elementary School.

[19] The Applicants did not provide any further evidence or rationale regarding any economic, cultural and social values that are pertinent to the Application.



**Weighing the factors in priority**

[20] The Panel finds that the Proposal will have a lesser impact to agricultural land than the previously approved area through Resolution #600/2004 and that the parking lot is likely required to alleviate safety concerns of the patrons of John A. Hutton Elementary School.

[21] The Panel finds that with a traffic and parking study and plan it is possible that the agricultural impact could be further reduced in terms of size and configuration, while also meeting the needs of increased parking and better traffic flow for John A. Hutton Elementary School.

**DECISION**

[22] For the reasons given above, the Panel approves the Proposal subject to the following conditions:

- a. the submission of a parking and traffic study outlining the requirements for additional parking and improved traffic flow for review and approval by the Commission within three years of the date of this decision letter;
- b. written rationale as to the siting of the parking area and how it is designed to lessen the impact on the farmable areas of Property 1;
- c. the submission of a parking lot plan no more than 0.5 ha to be reviewed and approved by the Commission;
- d. the submission of a survey plan delineating the new boundaries of Property 1 and Property 2;
- e. the survey plan be submitted within three years from the date of release of this decision;
- f. all topsoil over the parking area must be salvaged. If the topsoil is to be placed on other lands within the ALR, it must be done in accordance with the ALCA and Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002; and
- g. the construction and maintenance of a fence for the purpose of separating Property 1 from the Parking Area to be maintained by the School District.



[23] By way of this approval, the Panel rescinds Resolution #600/2004 which allowed a 3.3 ha right-of-way on Property 1 for a bus loop around Property 2.

[24] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

[25] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[26] These are the unanimous reasons of the Panel.

[27] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

[28] Resolution #172/2018  
Released on June 6, 2018

A handwritten signature in black ink, appearing to read 'D. Zehnder', is positioned above the printed name.

**David Zehnder, Panel Chair**

On behalf of the Kootenay Panel





Agricultural Land Commission Decision Map  
ALC File 56485 (ABH Tires)  
Conditionally Approved Boundary Adjustment  
ALC Resolution #172/2018



2018 December 17

Jeremy Martens

DELIVERED ELECTRONICALLY

Dear Sir:

**Re: John A. Hutton Elementary School  
Traffic and Parking Study**

John A. Hutton Elementary School in Grand Forks, BC is situated on the north side 75 Avenue between 25 Street and 27 Street as shown in Exhibit 1. The school has been experiencing some safety issues due to congestion and roadway activities that occur during the peak morning drop-off and afternoon pick-up periods.

Consideration is being given to relocate property lines and utilize land to the east of the school site as a means to mitigate the parking and pick-up / drop-off congestion that is occurring. Approval is required from the Agricultural Land Commission for this to occur, and a requirement of their conditional approval is for a traffic and parking study be undertaken in order to confirm that safety issues exist that need mitigation and that a parking plan be developed that minimizes in terms of size and configuration.

**Exhibit 1 – School Location**



D.C. Dean Associates Inc. was retained to undertake the study, and this letter report documents the findings and presents a recommended site plan for the parking, pick-up and drop-off activities.

Scope of Study

In the 200+ school road safety reviews undertaken by D.C. Dean Associates, a standard process is followed to determine the specific safety issues that are occurring at the school and the mitigation measures that would best address those issues. This process includes the following steps:

- Meeting with School Principal and staff to listen to their concerns regarding the school road safety;
- Collection of data including of students, staff, buses, bus usage, pedestrian usage, and any school or parent safety initiatives;
- Site survey of existing parking spaces, pedestrian facilities, pick-up and drop-off facilities, and lighting;
- Peak pick-up and/or drop-off observations (afternoon pick-up activities are typically the worst case scenario due to need for parents to wait until school is released).

This process allows for a good understanding of the safety issues, identifies the key functional requirements for an effective pick-up / drop-off facility, and yields a road safety plan that minimizes conflicts around the school.

#### John A Hutton Elementary Numbers



The following data was obtained from staff at the school:

School grades:	Kindergarten to 7 with Strong Start
Number of students:	230
Number of Strong Start:	10
Number of staff:	36
Number of buses:	6
On-site staff parking:	12 in east parking lot / 10 in west parking lot





A survey of vehicles at the school at 1:30 pm (with no parent volunteers in school) counted a total of 33 cars at the school – 12 in the east parking lot, 10 in the west parking lot, and 11 on-street.

#### Site Observations

A site visit was undertaken during the afternoon peak pick-up period on Wednesday, December 12.

Observation	Picture
At the time of the Termination Bell (3:20 pm) a total of 38 additional vehicles were parked on the street waiting for students. Additional vehicles subsequently arrived, and others left as students were picked up.	
Parking occurs on both sides of 75 Avenue.	



<p>Parking on south side of 75 Avenue requires parents and students to jaywalk across busy roadway.</p>	
<p>No sidewalk on the south side of 75 Avenue necessitates pedestrians to walk on road, and out into the travel lane to get around parked vehicles.</p>	
<p>Parking also occurs within west parking lot expanding out onto street in a haphazard manner.</p>	
<p>Numerous unsafe maneuvers made by drivers including driving on wrong side of road, U-turns, picking-up in middle of road, etc.</p>	

### Identified Issues

Discussions with staff and observations of the peak pick-up activities identified a number of key safety issues that are contributing to potential conflicts between students and vehicles. These include:

- **Lack of formalized parking spaces** – It is estimated that approximately \_\_\_\_ students are driven to school on a typical winter day. Parents of younger students desire to leave their vehicle and pick up their child at the school entrance or classroom, and therefore need to park. On-street parking is not formalized with curb and gutter, and vehicles are parked within the pedestrian walking area. Parking in the west parking lot expands beyond the parking lot into the roadway, resulting in cars parked in the travel lane facing the wrong direction.
- **Lack of formalized pick-up / drop-off area** – Many of the parents arriving to drop-off or pick-up their children have no need to get out of their vehicle, but

there is no dedicated pick-up / drop-off area. Students searching for their parents' vehicle walk through areas of vehicle conflict and/or cross the busy roadway to the south side.

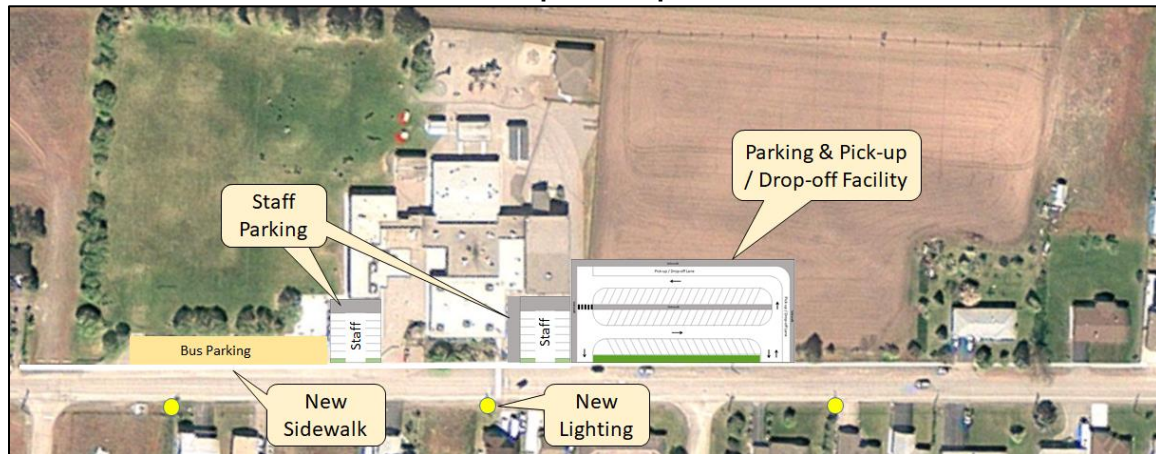
- **Unsafe driving behaviour** – Numerous examples of parents making unsafe movements were observed including U-turns, driving on wrong side of road, picking up in middle of road, inappropriate parking choices. This is quite likely influenced by the lack of proper facilities, and formalized areas of road user space.
- **Inadequate street lighting** – Lease light luminaires were located on every second utility pole creating inadequate lighting on-street. Specifically, there was no luminaire at the crosswalk location in front of the school. Similarly, no luminaires were located within either parking lot, or in the bus parking lot.

Specific to the purpose of the traffic and parking study, it is easily concluded that safety issues exist at John A Hutton Elementary School due to the lack of parking and pick-up / drop-off facilities. Recommendations will be made on improving the street space and existing parking lots, but the extent of the issues can only be fully met by creating more off-street facilities.

#### Proposed Improvements

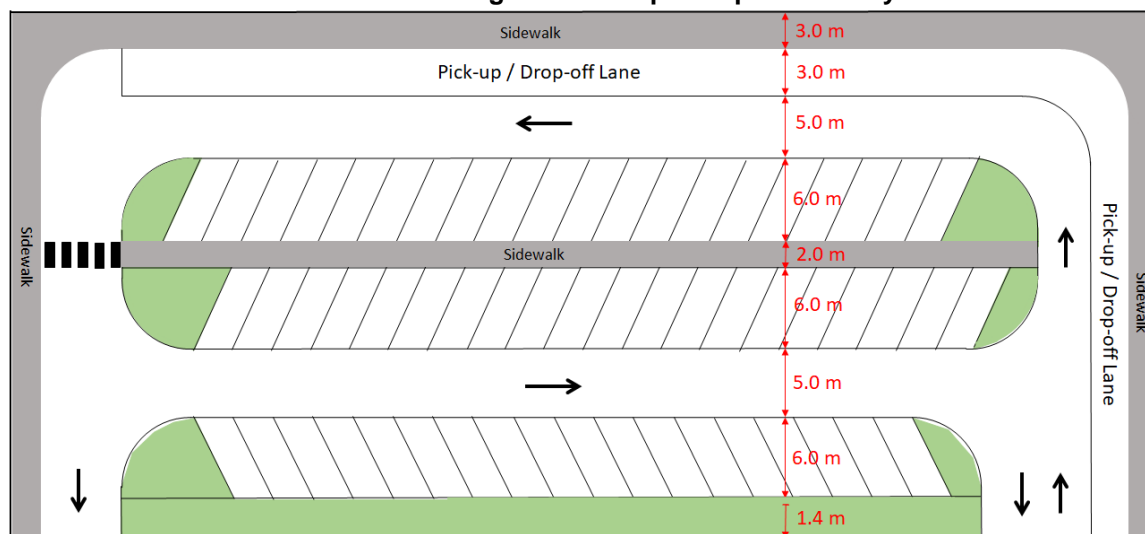
A suite of improvements are proposed in order to address the safety concerns relating to the peak period parking and pick-up / drop-off requirements of the school. Reference is made to Exhibit 2 for a schematic of each of the components:

- **New sidewalk** – A new sidewalk on the north side of 75 Avenue in front of the school will provide formalize space for pedestrian activity, in addition to formally providing a boundary for the existing parking lots.
- **Staff parking lots** – Both the existing east and west parking lot should be curbed to formally create 12 parking stalls in each lot, with a wide pedestrian area between the parking lots and the school. These parking lots should be designated for staff only. This will not accommodate the staff demand of 36 spaces; an additional 12 spaces need to be designated in the new lot.
- **Improved lighting** – At a minimum, additional lease lights should be placed on the utility poles along 75 Avenue adjacent the school grounds. This would include the pole located at the crosswalk location. In addition, the School District should consider lighting the existing parking lots and school bus parking lot.
- **New parking and pick-up / drop-off facility** – In the area to the east of the school, a new parking and pick-up / drop-off facility should be built that meets both the parking and pick-up / drop-off activities in a manner that minimizes conflicts between students and vehicles. This is described in greater detail below.

**Exhibit 2 – Proposed Improvements**

### Parking / Pick-up and Drop-off facilities

The parking and pick-up / drop-off facility proposed for the area east of the school is shown in Exhibit 3. The facility has an approximate 180 metre long pick-up and drop-off lane (typical for a 230 student school) and 58 parking spaces. A total of 12 spaces will be utilized by staff parking, resulting in 46 spaces available for visitors (1 parking spot for every 5 students).

**Exhibit 3 – Parking and Pick-Up / Drop-Off Facility**

Visitors would enter the facility from the east access and if picking up or dropping off would get in the pick-up / drop-off lane moving forward until stopped. If picking up, motorists would stay in the vehicle continuing to move forward as space becomes available or until their passenger gets picked up. They then would pull into the travel lane to exit by the west access. Visitors wanting to park would travel counter-clockwise until a parking space is available.

A key attribute of a parking and pick-up / drop-off facility is the ability to separate the pedestrian activity from the vehicle movements as much as possible. Pick-up / drop-off lanes are typically on the outside of a counter-clockwise rotation, thereby having all

students exit from the passenger side directly onto a sidewalk that leads to the school entrance without encountering any traffic.

Parking facilities also should have dedicated pedestrian facilities. The proposed design has a sidewalk between the northern two parking rows leading to a crosswalk across the access aisle. Users of the southern row of parking may use the existing City sidewalk. Pedestrians therefore have no need to walk in the traffic aisle, and would not be susceptible to motorists backing up.

The facility utilizes the full width of available space (approximately 79 metres) and is 37.4 metres in depth, utilizing a total area of approximately 2,955 m<sup>2</sup>, or approximately 0.3 hectares. This is less than the maximum allowed in the ALR approval (0.5 ha). The facility sketch is not drawn to scale but does indicate the key dimensions needed for proper circulation and turning movements.

The sketch is also drawn assuming a paved parking lot with pavement markings, curb & gutter, and raised sidewalks. While this would be preferred and provide the safest facility due to formalizing all movements, costs could be saved by using curb stops on a gravel parking lot. Greater education on how to use of the pick-up and drop-off lane may be required in this case as markings on the ground would not be possible.

It is my opinion that the opportunity for this parking and pick-up / drop-off facility allows for a vast improvement in the level of safety that currently exists at John A. Hutton Elementary School. If you have any questions on the report please contact me at your convenience.

Yours truly,

D.C. DEAN ASSOCIATES INC.



David Dean, P.Eng.

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A5

**A Bylaw to Amend the City of Grand Forks  
Zoning Bylaw No. 2039, 2019.**

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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-A5, 2019**”.
2. Zoning Bylaw No. 2039 is amended as follows:
  - a. That the property described as “**Insert Legal Description**” and as shown hatched in the sketch plan attached hereto as Appendix “A” is hereby rezoned from R4A (Rural Residential 4A) to CU (Community Use).
  - b. Schedule “A,” Land Use Zoning Map, is hereby amended accordingly.

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  
Pursuant to Section 52 of the Transportation  
Act this   <sup>st</sup> 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-A5 as passed by the Council of the City of Grand Forks on the      day of      , 2019.

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Corporate Officer of the Corporation of the  
City of Grand Forks

DRAFT