



**The Corporation of the City of Grand Forks
Committee of the Whole Meeting
AGENDA**

Meeting #: C-2019-6
Date: Monday, June 10, 2019, 9:00 am
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

1. CALL TO ORDER

2. COMMITTEE OF THE WHOLE AGENDA

- a. Adopt agenda
June 10, 2019, Committee of the Whole

Recommendation

THAT the Committee of the Whole adopts the June 10, 2019, agenda as presented.

3. MINUTES

- a. Adopt Minutes - Committee of the Whole
May 6, 2019, Committee of the Whole Meeting Minutes

1 - 7

Recommendation

THAT the Committee of the Whole adopts the May 6, 2019, Committee of the Whole Minutes as presented.

4. REGISTERED PETITIONS AND DELEGATIONS

- a. Quarterly Report
Gallery 2
- b. Overall goals and objectives of the Boundary Area Food and Agriculture Plan
RDKB and Interior Health Authority
- c. Forestry Partnerships
Dan Macmaster, RPF, Woodlands Manager for Vaagen Fibre Canada
- d. Petition regarding the 5th Street location of Whispers of Hope Community Kitchen
Concerned Citizens of Grand Forks

8 - 9

10 - 10

11 - 12

5. REGIONAL TOPICS FOR DISCUSSION - WITH AREA D

6. PRESENTATIONS FROM STAFF

- a. Development Variance Permit No. DVP1901 Proposed Non-Medical Cannabis Retail Store Licence at 7500 Donaldson Drive
Development, Engineering and Planning 13 - 78

Recommendation

THAT the Committee of the Whole recommends to Council to direct staff to proceed with the statutory requirement for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 7500 Donaldson Drive, legally described as Lot 2, Plan KAP49207, SDYD, DL 380 PID 018-155-588.

- b. Monthly Highlight Reports
Department Managers 79 - 83

Recommendation

THAT the Committee of the Whole receives the monthly highlight reports from department managers.

7. REPORTS AND DISCUSSION

8. PROPOSED BYLAWS FOR DISCUSSION

- a. Bylaw 2057 - Parks Access Review
Corporate Services 84 - 93

- b. Bylaw 2045-A2 - 2018-2022 Financial Plan Amendment
Financial Services 94 - 100

Recommendation

THAT the Committee of the Whole recommends to Council to give first three readings of the 2018-2022 Financial Plan Amendment Bylaw No. 2045-A2, at the June 24th, 2019, Regular Meeting.

- c. Bylaw 2060 - Reserve Fund Establishment
Financial Services 101 - 132

Recommendation

THAT the Committee of the Whole recommends to Council to give first three readings of the Reserve Fund Establishment Bylaw No. 2060 at the June 24, 2019, Regular Meeting.

- d. Bylaw 2039-A4 - Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural uses on the 7600 Block of 8th Street
Development, Engineering and Planning 133 - 141

Recommendation

THAT the Committee of the Whole recommends that Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the Regular Meeting of June 10, 2019.

Recommendation

THAT the Committee of the Whole recommends that Council direct staff to prepare and register a covenant on the subject property to ensure that: a) the wetland/drainage area is protected in perpetuity, b) development will be set back from and not impact the wetland/drainage area and groundwater, and c) farming operations will be conducted in accordance with best practices respecting agricultural activities on sensitive aquifers and near urban areas.

- e. Bylaw 1919-A3 - Proposed Text Amendment to Official Community Plan
Residential Density in the Commercial Core
Development, Engineering & Planning

142 - 151

Recommendation

THAT the Committee of the Whole recommends that at the Regular Meeting of June 10, 2019, Council gives first and second reading to Bylaw No. 1919-A3 and directs staff to proceed with the statutory requirements for public notice.

9. INFORMATION ITEMS

- a. Boundary Flood Recovery Transition Memo
Boundary Flood Recovery

152 - 155

10. CORRESPONDENCE ITEMS

11. LATE ITEMS

12. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF THE COUNCIL (VERBAL)

13. QUESTION PERIOD FROM THE PUBLIC

14. ADJOURNMENT



The Corporation of the City of Grand Forks
Committee of the Whole
MINUTES

Meeting #: C-2019-5
Date: Monday, May 6, 2019, 9:00 am
Location: 7217 - 4th Street, City Hall Council Chambers

Present: Mayor Brian Taylor
Councillor Zak Eburne-Stoodley
Councillor Cathy Korolek
Councillor Neil Krog (*joined the mtg. at 9:06 am*)
Councillor Chris Moslin
Councillor Christine Thompson
Councillor Rod Zielinski

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

GALLERY

1. CALL TO ORDER

Mayor Taylor called the May 6, 2019, Committee of the Whole Meeting to order at 9:00 am.

2. COMMITTEE OF THE WHOLE AGENDA

- a. Adopt agenda

May 6, 2019, Committee of the Whole

THAT the Committee of the Whole adopts the May 6, 2019, agenda as presented.

Amended

Amendment:

MOVED

THAT the Committee of the Whole amends the May 6, 2019, agenda to include, under Late Items, the Public Meeting held May 1st at Perley School and adopts the agenda as amended.

Carried

3. MINUTES

- a. Adopt Minutes - Committee of the Whole

April 8, 2019, Committee of the Whole Meeting Minutes

MOVED

THAT the Committee of the Whole adopts the April 8, 2019, Committee of the Whole Minutes as presented.

Carried

4. REGISTERED PETITIONS AND DELEGATIONS

- a. Community Forests

Dan Macmaster, RPF, Woodlands Manager for Vaagen Fibre Canada

Dan Macmaster could not attend due to a last minute commitment.

- b. Community Courtesy Circle

Angela Nichols

Angela Nichols on behalf of the Community Courtesy Circle gave an overview in regards to homeless and drug-addicted individuals and support service availabilities.

Discussion:

- humanitarian efforts with care and compassion
- AKBLG resolution for more funding towards detox and rehabilitation

c. Perley School Re-Wilding Project

Sharon Peron / Perley School

Dolores Sheets, Manager of Development and Engineering Services, gave an overview of the Re-Wilding Project presentation, on behalf of Ms. Peron, who was unable to attend due to a teaching commitment.

Discussion:

- project dollar amount
- services which would be provided by the City to the school
- School District's request for water service

MOVED

THAT Council requests a formal request from School District No. 51 in support of this concept for Perley School.

Carried

5. **REGIONAL TOPICS FOR DISCUSSION - WITH AREA D**

Mayor Taylor gave an overview:

- major appliance return to the Landfill
- community forests and the watershed, forestry proposals

6. **PRESENTATIONS FROM STAFF**

a. Monthly Highlight Reports

Department Managers

Discussion:

- Boundary Flood Recovery letter to East Side owners
- Solar Now Project in City Park
- any overage to a project approved should go to Council for approval again
- Amber Esovoloff thank you to Public Works for bike rack installation on Market
- thank you to Emergency Planning and Public Works for all the armouring completed
- sanitary sewer issues resolved

MOVED

THAT the Committee of the Whole receives the monthly highlight reports from department managers.

Carried

- b. Temporary Use Permit Application - Parking Lot for Cannafest on 2200 Block of 68th Avenue

Development, Engineering and Planning

Annette McArthur spoke in regards to the temporary use permit application for the Cannafest parking.

Discussion:

- no overnight parking will be allowed in this lot
- people may walk to Cannafest grounds from parking lot or a shuttle will be transporting people
- dust control for this lot
- temporary use permit details
- cost for parking vehicle in lot

MOVED

THAT the Committee of the Whole recommends to Council at its Regular Meeting of May 6, 2019, to direct staff to proceed with the

statutory requirements for public notice respecting a Temporary Use Permit Application for a Parking Lot located on the 2200 Block of 68th Avenue.

Carried

7. REPORTS AND DISCUSSION

8. PROPOSED BYLAWS FOR DISCUSSION

a. Bylaw 2042-A1 – Elections Amendment

Corporate Services

Kevin McKinnon, Deputy Corporate Officer, gave an overview on the proposed Bylaw 2042-A1.

Discussion:

- new resident registrations still required at polls
- more accuracy by using Provincial Voters List
- required to hold an Advanced Poll ten days prior to main Election Day

MOVED

THAT the Committee of the Whole refers the proposed bylaw amendment to the Regular Meeting on May 21, 2019, as presented.

Carried

b. Bylaw 2054 – Smoke- and Vape-Free Places

Corporate Services

Kevin McKinnon, Deputy Corporate Officer, gave an overview on the proposed Bylaw 2054.

Discussion:

- suggestion of combining point 4.2 and 4.3 and adding Aboriginal or 'other' cultural activity
- suggestion of rewording point 4.1 for designated smoking areas
- bylaw enforcement by complaint

MOVED

THAT the Committee of the Whole recommends that Council give the first three readings to Bylaw No. 2054, "Smoke- and Vape-Free Places Bylaw" at the May 21, 2019, Regular Meeting as presented.

Carried

9. INFORMATION ITEMS

10. CORRESPONDENCE ITEMS

11. LATE ITEMS

Public Meeting at Perley School from May 1st regarding Citizens for a Better Grand Forks was discussed:

- positive comments
- too many people left meeting early
- well attended
- still many groups that can work together, suggestion for perhaps a stakeholders group
- where is Council's role
- BC Housing land swap regarding 2nd St. and 70th Ave., Public Hearing would be set
- Warming Centre and Whispers operations and having two kitchens

12. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF THE COUNCIL (VERBAL)

13. QUESTION PERIOD FROM THE PUBLIC

14. ADJOURNMENT

The May 6, 2019, Committee of the Whole Meeting was adjourned at 11:18 am.

Mayor Brian Taylor

Corporate Administrative Assistant -
Daphne Popoff

DRAFT

Gallery 2 - Grand Forks Art Gallery

Revenues and Expenses to March 31, 2019

| Revenues | | | | |
|---------------------------|-------------|------------|------------|-----------|
| | 2018 Budget | Actual YTD | Budget YTD | Variance |
| Earned Revenue | | | | |
| Memberships | \$4,000 | \$3,393 | \$4,000 | (\$607) |
| Giftshop & Gallery Sales | \$33,000 | \$38,634 | \$33,000 | \$5,634 |
| Art Rental & Sales | \$14,000 | \$9,053 | \$14,000 | (\$4,947) |
| Facility Rentals | \$3,000 | \$12,627 | \$3,000 | \$9,627 |
| Investment Income | | | | |
| Endowment/Restricted Fund | \$500 | \$2,971 | \$500 | \$2,471 |
| Private Sector Revenue | | | | |
| Donations & Sponsorships | \$11,500 | \$11,439 | \$11,500 | (\$61) |
| Fundraising Events | \$40,000 | \$32,319 | \$40,000 | (\$7,681) |
| Federal Revenue | | | | |
| Summer employment grants | \$26,000 | \$18,381 | \$26,000 | (\$7,619) |
| Provincial Revenue | | | | |
| Destination BC | \$10,000 | \$10,000 | \$10,000 | |
| BC Gaming Grant | \$32,000 | \$36,725 | \$32,000 | \$4,725 |
| BC Arts Council | \$18,000 | \$18,000 | \$18,000 | |
| Municipal Revenue | | | | |
| City of Grand Forks | \$144,800 | \$144,800 | \$144,800 | |
| Regional District | \$5,000 | \$10,000 | \$5,000 | \$5,000 |
| Phoenix Foundation | \$10,000 | \$10,089 | \$10,089 | |
| Red Cross | | \$5,360 | | \$5,360 |
| Total Revenue | \$351,800 | \$363,792 | \$351,889 | \$11,903 |

| Expenses | | | | |
|-------------------------------------|-------------|------------|------------|------------|
| | 2018 Budget | Actual YTD | Budget YTD | Variance |
| Operations | | | | |
| Wages and Benefits | \$183,600 | \$181,573 | \$183,600 | (\$2,027) |
| Seasonal Wages | \$33,000 | \$21,052 | \$33,000 | (\$11,948) |
| Facility Operations | \$44,400 | \$61,406 | \$44,400 | \$17,006 |
| Contracts & Administration | \$25,100 | \$26,109 | \$25,100 | \$1,009 |
| Programming & Events | | | | |
| Exhibitions & Public Programs | \$29,500 | \$31,748 | \$29,500 | \$2,248 |
| Collateral & Promotional Material | \$5,500 | \$5,493 | \$5,500 | (\$7) |
| Fundraising Event Costs | \$8,000 | \$9,382 | \$8,000 | \$1,382 |
| Gift Shop & Gallery Sales Inventory | \$17,700 | \$21,706 | \$17,700 | \$4,006 |
| Art Rental & Sales Commission | \$5,000 | \$4,446 | \$5,000 | (\$554) |
| Total Expenses | \$351,800 | \$362,915 | \$351,800 | \$11,115 |
| Total Net Revenue | | \$877 | \$89 | \$788 |

Note: BC Gaming variance includes expenditures from exterior lighting capital grant

Gallery 2 - Grand Forks Art Gallery

2019 Operating Budget Approved

| Revenues | | Expenses | |
|-----------------------------------|------------------|-------------------------------------|------------------|
| Earned Revenue | | Operations | |
| Memberships | \$4,000 | Wages and Benefits | \$202,100 |
| Giftshop & Gallery Sales | \$37,250 | Seasonal Wages | \$27,000 |
| Art Rental & Sales | \$10,000 | Facility Operations | \$40,800 |
| Facility Rentals | \$5,000 | Special Projects | \$5,600 |
| Investment Income | | Contracts & Administration | \$12,800 |
| Endowment | \$750 | Programming & Events | |
| Private Sector Revenue | | Exhibitions & Public Programs | \$31,300 |
| Donations & Sponsorships | \$13,500 | Staff/Volunteer Capacity Building | \$4,400 |
| Fundraising Events | \$37,000 | Collateral & Promotional Material | \$5,000 |
| Federal Revenue | | Fundraising Event Costs | \$6,000 |
| Summer employment grants | \$21,000 | Gift Shop & Gallery Sales Inventory | \$20,000 |
| Provincial Revenue | | Art Rental & Sales Commission | \$3,000 |
| Destination BC | \$10,000 | | |
| BC Gaming Grant | \$40,000 | | |
| BC Arts Council | \$21,800 | | |
| Municipal Revenue | | | |
| City of Grand Forks | \$147,700 | | |
| Regional District | \$10,000 | | |
| Phoenix Foundation/Gaming Capital | | | |
| Total Revenue | <u>\$358,000</u> | Total Expenses | <u>\$358,000</u> |

RECEIVED

APR 09 2019

THE CORPORATION OF
THE CITY OF GRAND FORKS**Online Delegation Form****YOUR WORSHIP, MAYOR TAYLOR, AND MEMBERS OF COUNCIL, I/WE ARE HERE THIS EVENING ON BEHALF OF:**

Regional District of Kootenay Boundary and Interior Health Authority

TO REQUEST THAT YOU CONSIDER:

that Tara Stark of Interior Health and I appear before Mayor and Council as Delegates

THE REASONS THAT I/WE ARE REQUESTING THIS ACTION ARE:

We wish to present the Boundary Area Food and Agriculture Plan and outline the overall goals and objectives within the plan. We would also like to present the Boundary Area Food and Agriculture Charter that is included in the Plan for consideration by the Boundary area municipalities and other organizations.

I/WE BELIEVE THAT IN APPROVING OUR REQUEST THE COMMUNITY WILL BENEFIT BY:

...learning first hand what is in the Plan and which action items we plan to work on in 2019. Previous Mayor Conrad sat on the Steering Committee while the Plan was being developed; however the current Mayor and Council were not necessarily directly involved in the planning process.

I/WE BELIEVE THAT BY NOT APPROVING OUR REQUEST THE RESULT WILL BE:

...a missed opportunity to learn about the Plan and how it may impact the City of Grand Forks.

IN CONCLUSION, I/WE REQUEST THAT COUNCIL FOR THE CITY OF GRAND FORKS ADOPT A RESOLUTION STATING:

That the City of Grand Forks endorses the Boundary Area Food and Agriculture Plan (June 2018).

NAME

Donna Dean

ORGANIZATION

Regional District of Kootenay Boundary

MAILING ADDRESS

202-843 Rossland Avenue
Trail, British Columbia V1R 4S8
Canada

TELEPHONE NUMBER

250-368-9148

EMAIL ADDRESSddean@rdkb.com

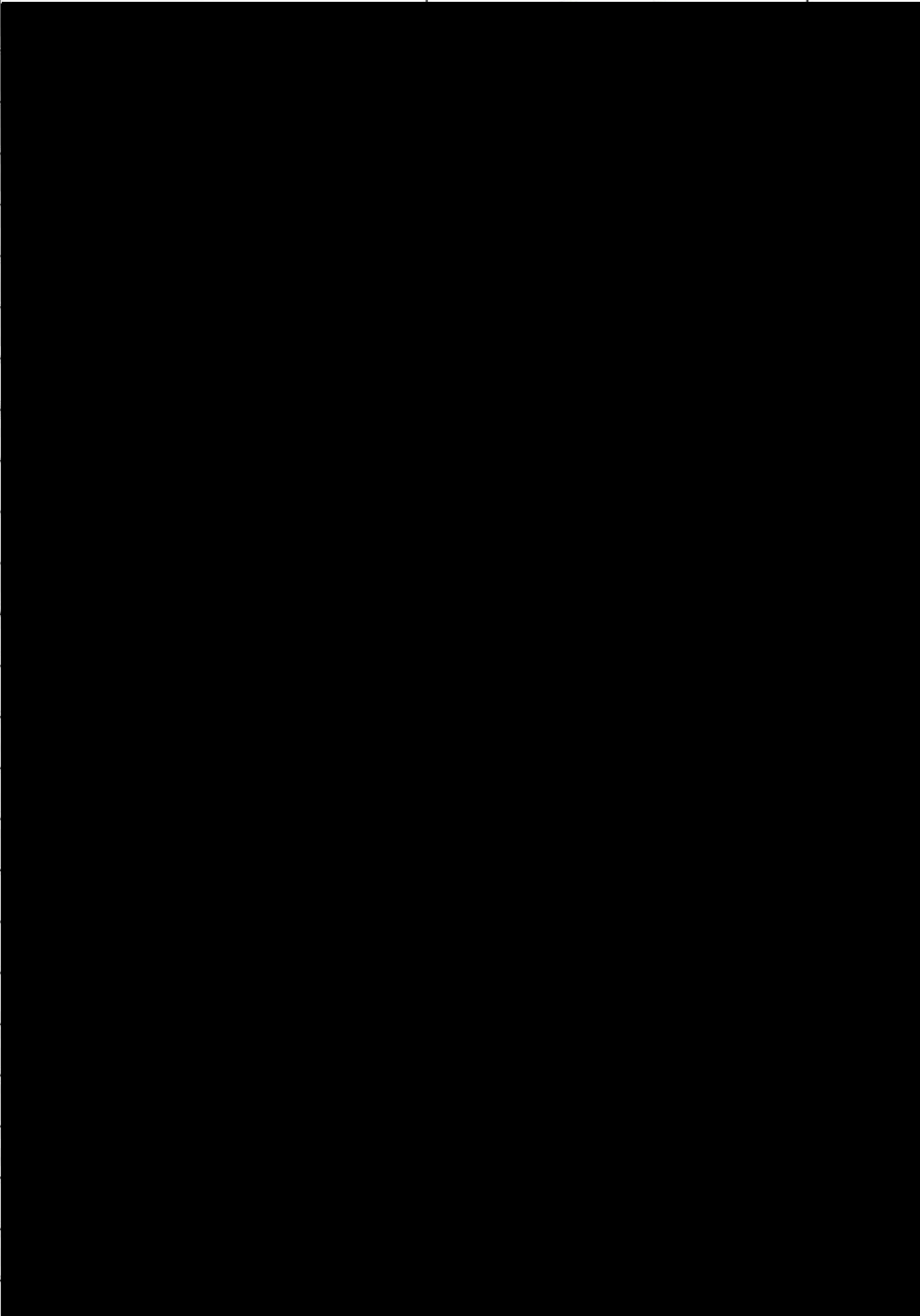
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D2 - RPKB & Interior Health June 10

Dear Grand Forks Mayor and Council,

It is now public knowledge that Whispers of Hope Benevolence association has signed a lease on the building at 7229-5th Street, with the intention of opening and operating a Community Soup Kitchen serving hot meals to approximately 60 people per day.

As concerned citizens of Grand Forks, we, the undersigned, strongly believe that **Whispers of Hope** should **not** be allowed to operate at this location. Some of the many reasons behind our strong opposition appear on the following page. Our primary reason, however, is that we believe (based on past experience), that the proposed Community Soup Kitchen would almost certainly encourage marginalized individuals with drug addictions and criminal behaviours to congregate in the area, thus negatively impacting residents, businesses and community facilities located nearby.

| PRINT NAME | ADDRESS | SIGNATURE |
|-----------------------|---|-----------|
| Darcy Skerrett |  | |
| mykaila REECE | | |
| Greg Vanderzande | | |
| Amber Vondiver | | |
| Scott Sheppard | | |
| Tim Chursinoff | | |
| Sarah Bartley | | |
| Beth PAULAN | | |
| Tyler Honkin | | |
| Joan & Bruce Bartlett | | |
| Vince Baxter | | |
| Lordco Auto Pa | | |
| Deanne Sheppard | | |
| Lurtis Sartin | | |
| Turner Selin | | |
| Jason Buchholz | | |
| Burden Rozenbaum | | |
| Jeremy Rozenbaum | | |
| Dawney McCurdy | | |
| Tracy Worrell | | |
| DAVID MARK | | |
| Deanna Brandt | | |
| MARTIN THOMAS | | |
| Courtney Redding | | |
| Jesse Reddy | | |

As concerned citizens of Grand Forks, we strongly believe that Whispers of Hope should not be allowed to operate at this location for the following reasons:

- ☐ The soup kitchen would almost certainly encourage marginalized individuals with drug addictions and criminal backgrounds to congregate in the area.
- ☐ As a result, residents in the area are more likely to experience increased risks to their personal safety and their property.
- ☐ Also, business owners and employees are also more likely to experience increased risks to their personal safety and their property.
- ☐ Of great concern, are the children currently living next door, and the children living and playing in the area that would be put at greater risk.
- ☐ Residents and business owners are already under greater pressure due to the very real possibility of fall out from the BC Housing 2nd Street facility.
- ☐ Our Grand Forks police force and health service workers are already extremely overburdened by the high number of calls related to drugs, crime, and medical emergencies.
- ☐ There would likely be a sharp decline in tourism, as many tourists will be shocked by the stark visibility of a soup kitchen in the middle of town.
- ☐ The maximum capacity in the building would be 30, so there could be up to 30 or more people standing in line outside waiting to get in.
- ☐ There could be a greater likelihood of lawsuits against the City if tourists who have paid for a camping spot are threatened by individuals high on drugs, or exposed to dirty needles, or are victims of crime.
- ☐ It is quite possible that the Municipal Campground would be forced to close as word spreads of the problems in the area.
- ☐ The City would likely experience a reduced revenue stream as a result of residents moving away, businesses closing down, and tourists staying away.

Request for Decision



To: Committee of the Whole

From: **Development, Engineering & Planning**

Date: June 10, 2019

Subject: Development Variance Permit No. DVP1901 Proposed Non-Medical Cannabis Retail Store Licence at 7500 Donaldson Drive.

Recommendation: **THAT the Committee of the Whole recommends to Council to direct staff to proceed with the statutory requirement for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 7500 Donaldson Drive, legally described as Lot 2, Plan KAP49207, SDYD, DL 380 PID 018-155-588**

Background

The applicant, 1179711 BC LTD, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) Licence proposed to be located at 7500 Donaldson Drive.

The owner has applied to the City for a Development Variance Permit to vary subsection 58.3 of Zoning Bylaw 2039 that regulates the distance a Non-Medical Retail Cannabis Store can be relative to a Community Use zone.

The building proposed for the Non-Medical Cannabis Store is located within 100m of the nearest parcel boundary of a lot in a Community Use (CU) Zone.

The proposed hours of operation are 9:00 m to 11:00 pm daily.

Ownership

Owner(s):
1179711 BC Ltd
1350 William Street
Vancouver, BC
V5L 2P5

Agent:
Jim Kennedy/Weeds Glass & Gifts Ltd.
1108 Richards Street,
Vancouver, BC
V6B 3E6

Zoning and Policy Context

The property is zoned I1 (Light Industrial 1) and is 0.576 acres in size. As shown in schedule A-1 of the zoning bylaw Non-Medical Cannabis Retail is a permitted use in the I1 zone. The property is not in a Development Permit Area.

The subject property was the previous location of the Greyhound Bus Depot and currently houses the warming shelter.

The building proposed to house the Non-Medical Cannabis Retail Store is 36m from the property boundary of 1924-75th Avenue (James Donaldson Park).

Events held at James Donaldson Park include:

1. Ball tournaments and games for all ages
2. Grand Forks International Baseball Tournament
3. Cannafest Music Festival.

Proposed Hours of Operation:

The proposed hours of operation are 9:00am to 11:00pm daily.

The zoning bylaw is silent on the permitted hours of operation for a Non-Medical Cannabis Store. The LCRB regulations state that a licensee may sell non-medical cannabis at their store between the hours of 9 am and 11 pm unless their hours are further restricted by the local government for the area in which the store is located giving Council the ability to restrict the hours of operation.

Comments from Referral Agencies

The project is being reviewed by affected referral agencies and a staff report will be presented to the Council.

Timing

The following next steps and time frames are outlined in Table 1 below:

| Table 1 Timeframe | |
|---|-----------------------------|
| ACTIVITY | TIMING |
| <i>Committee of the Whole – Public Introduction of Application</i> | <i>June 10, 2019</i> |
| <i>Regular Council Meeting – Council Direct staff to proceed with statutory notice (letters to adjacent property owners and notice in 2 issues of the local paper)</i> | <i>June 10, 2019</i> |
| Letters sent to adjacent property owners | June 11, 2019 |
| Notice published in two consecutive issues of the newspaper | June 12 & June 19, 2019 |
| Deadline for receiving written feedback | June 24, 2019 |

| | |
|--|---------------|
| Regular Council Meeting <ul style="list-style-type: none"> - Staff report on written feedback received - Council decision on DVP Application - Council decision and direction to staff to send a letter of RECOMMENDATION or REJECTION of the Non-Medical Cannabis Retail Store Licence application to the LCRB | June 24, 2019 |
|--|---------------|

Benefits or Impacts

General

The regime to legalize the non-medical use and sale of cannabis is a relatively new to British Columbia. The proposed location is close to a community park facility.

Strategic Impact



Community Engagement

- Written notice will be provided to adjacent property owners.
- Ads will be placed in 2 editions of the local newspaper.
- A public Feedback session will be held.
- Written comments will be accepted and will be forwarded to the LCRB.

Policy/Legislation

Local Government Act; Official Community Plan; Zoning Bylaw; Cannabis Control Licensing Act.

Attachments

Appendix 1

- Page 1: Aerial Photo showing the subject property
- Page 2: Map showing zoning
- Page 3: Aerial Photo showing 100m buffer area

Appendix 2

- Pages 1-59: DVP package submitted by applicant.

Recommendation

THAT the Committee of the Whole recommends to Council to direct staff to proceed with the statutory requirement for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 7500 Donaldson Drive, legally described as Lot 2, Plan KAP49207, SDYD, DL 380

PID 018-155-588

Options

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





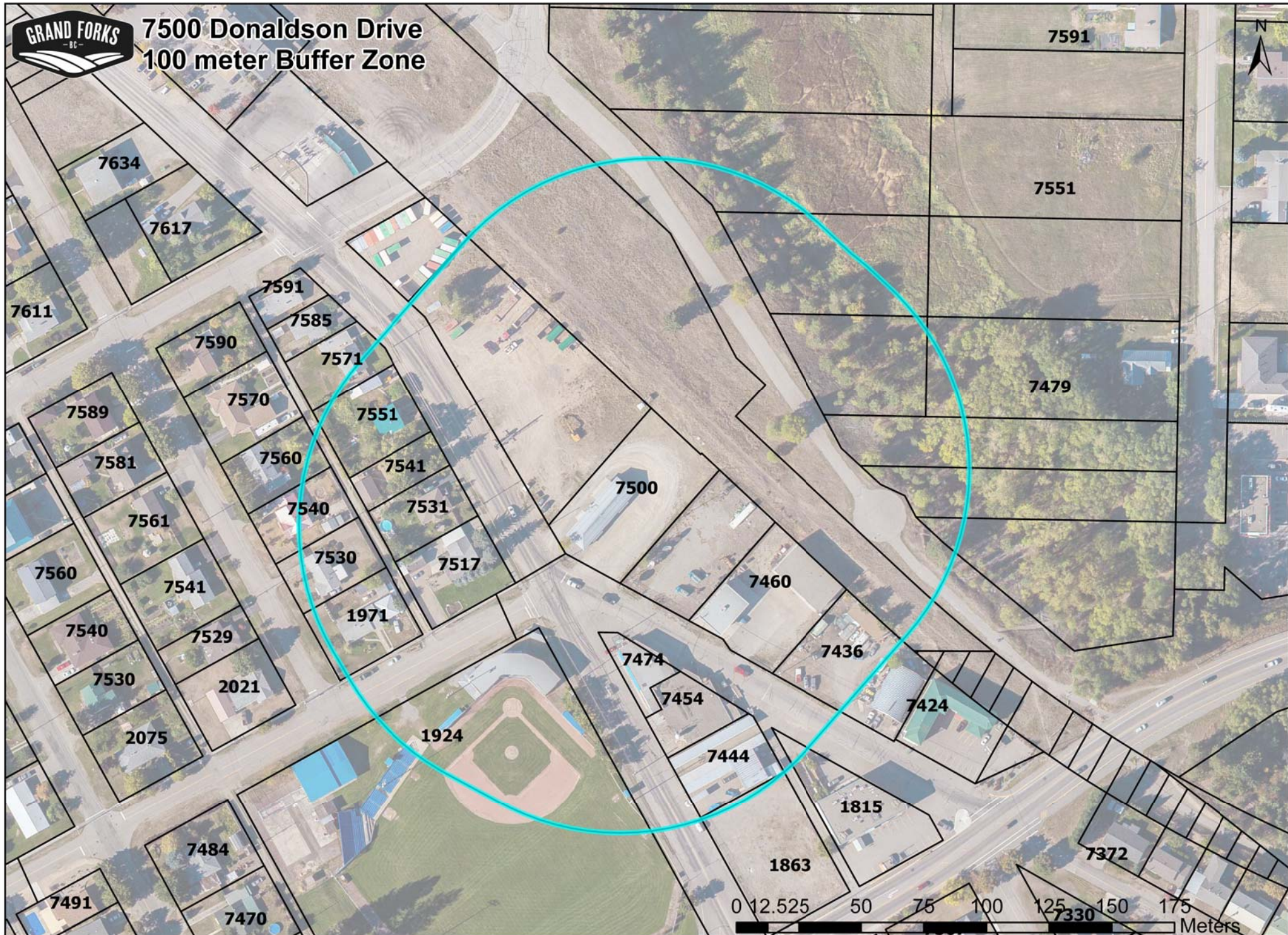
17500 Donaldson

| | |
|----|----|
| CU | R1 |
| HC | R2 |
| I1 | R3 |
| NC | R5 |





7500 Donaldson Drive 100 meter Buffer Zone



THE CORPORATION OF THE CITY OF GRAND FORKS

7217 – 4TH STREET, BOX 220 • GRAND FORKS, BC V0H 1H0 • FAX 250-442-8000 • TELEPHONE 250-442-8266



DEVELOPMENT VARIANCE PERMIT APPLICATION

LOCAL GOVERNMENT ACT, SECTION 498

APPLICATION FEE \$350.00

Receipt No. _____

Registered Owner(s): 1179711 B.C. Ltd.

Mailing Address: 1350 William St. Vancouver, BC V5L 2P5

1350 William St. Vancouver, BC V5L 2P5

Telephone: Home: 778-918-2869 Work: 778-918-2869

Email: devon@weedsgg.ca

Legal Description: Lot 2 PLAN KAP49207 DISTRICT LOT 380 DISTRICT 54

P.I.D.: 018-155-588

Street Address: 7500 Donaldson Drive, Grand Forks, BC V0H 1H2

DECLARATION PURSUANT TO THE WASTE MANAGEMENT ACT

I, Devon Briere, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge been used for industrial or commercial activity as defined in the list of "Industrial Purposes and Activities" (Schedule 2) of the Contaminated Sites Regulation (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 26.1 or any other section of the Waste Management Act.


(signature)

14 May, 2019
(date)

Outline the provisions of the respective Bylaw(s) that you wish to vary and give your reasons for making this request:

Supporting documents are included in this pdf as follows:

- 1. Appendix A: Development Variance Permit Application
- 2. Affidavit #1: Alice Huynh

Submit the following information with the application:

- 1. A legible site plan showing the following:
 - (a) The boundaries and dimensions of the subject property.
 - (b) The location of permanent or proposed buildings and structures existing on the property.
 - (c) The location of any proposed access roads, parking, screening, landscaping or fencing.
 - (d) The location and nature of any physical or topographic constraints on the property (stream, ravines, marshes, steep slopes, etc.)

Other information or more detailed information may be requested by the City of Grand Forks upon review of your application.

The information provided is full and complete and to the best of knowledge to be a true statement of the facts, relating to this application.


Signature of Owner

14 May, 2019
Date

AGENT'S AUTHORIZATION

I hereby authorize the person/company listed below to act on my behalf with respect to this application:


Name of Authorized Agent: Jim Kennedy/Weeds Glass & Gifts Ltd

Mailing Address: 1108 Richards Street, Vancouver

BC V6B 3E6

Telephone: 778-957-4595

Email: jim@weedsgg.ca



Owner(s) Signature of Authorization

DEVELOPMENT VARIANCE PERMIT APPLICATION

APPENDIX A

To: The Corporation of the City of Grand Forks
7217 – 4th Street
P.O. Box 220
Grand Forks, B.C.
Fax: (250) 442-8000

Submitted by: Weeds Glass & Gifts Ltd.

Provisions Sought to Vary

1. The applicant, Weeds Glass & Gifts Ltd. (the “Applicant”), is seeking to vary section 58.3 of Zoning Bylaw 2039-A1 and Zoning Bylaw 2039-A3, as applicable, in relation to cannabis retail stores (“Cannabis Stores”, each a “Cannabis Store”):
 - a. Zoning Bylaw 2039-A1, section 58.3: “unless otherwise permitted in this bylaw, no building or structure may be within 100 m of the nearest parcel boundary of a lot in a Community Use Zone, or a youth-centred facility; or from the nearest edge of building of another Cannabis Retail site”; and
 - b. Zoning Bylaw 2039-A3, section 58.3: “unless otherwise permitted by this bylaw, no building or structure may be within 100m of the nearest parcel boundary of a lot in a Community Use Zone or a youth-centred facility.”

for the premises located at 7500 Donaldson Drive, Grand Forks, BC V0H 1H0 (the “Premises”).

2. Pursuant to section 490(1)(a) the *Local Government Act* [RSBC 2015] ch.1, “a local government may, by resolution, issue a development permit that... varies or supplements a land use regulation bylaw”.

Reasons for Request

3. On February 13, 2018, City Council members discussed the timeline for the amendment to the Zoning Bylaw 2039 for Cannabis Stores, and advised the Director of Development and Engineering (the “Director”) that the proposed amendments should be compared with other municipalities and to consider the potential of working collectively with other municipalities in drafting the amendments to the Zoning Bylaw.

(Affidavit #1 of Alice Huynh [“AHuynh”], Exhibit A)

4. Summary of Zoning Bylaws regarding Cannabis Stores in some other jurisdictions:

| City | Distancing Requirement |
|-----------|---|
| Castlegar | No restrictions ¹ |
| Rossland | Not permitted within 150m of the property line of a site containing a school or a youth centre ² |
| Sooke | Not permitted within 300m of the nearest property line of a site containing a school ^{3, 4} |
| Trail | Not permitted within 100m of any school, recreation centre, youth centre or daycare centre ⁵ |
| Vancouver | Not permitted within 300m of the nearest property line of a site containing a School – Elementary or Secondary, Community Centre, or Neighbourhood House ⁶ |

5. However, the Director proposed Zoning Bylaw 2039-A1 that differed from the other jurisdictions drastically, as it required a distancing requirement of 100m for a complete zoning area, Community Use Zone (“CU Zone”) in addition to the broad 100m distancing requirement from “youth centred facilities”. As per Zoning Bylaw 2039-A1, “Youth Centered Facility” “means any school, daycare, playground, community garden, recreation facility, or other facility designed for use primarily by minors”. In addition to this, facility is not defined in Zoning Bylaw 2039-A1, Zoning Bylaw 2039-A3, or in the general Zoning Bylaw 2039.
6. On April 9, 2018, City Council members discussed the proposed Zoning Bylaw 2039-A1, which would provide restrictions on where Cannabis Stores can be located within the City. During the Council meeting, Councillor Tripp questioned the Director of Development and Engineering, as to the number of locations that would be permitted with the proposed Zoning Bylaw 2039-A1. The Director of Development and Engineering responded that given the

¹ <https://www.castlegar.ca/city-hall/informationmaterials/bylaws/find?Search=zoning+bylaw+800>

² <https://rossland.civicweb.net/filepro/documents/5307>

³ <https://sooke.civicweb.net/filepro/document/30187/Regular%20Council%20-%202008%20Apr%202019%20Agenda.pdf?widget=true>

⁴ <https://sooke.civicweb.net/filepro/document/30442/Regular%20Council%20-%202023%20Apr%202019%20Agenda.pdf?widget=true>

⁵ <http://www.trail.ca/en/inside-city-hall/resources/Consolidated-Zoning-Bylaw-July-2018.pdf>

⁶ <https://bylaws.vancouver.ca/zoning/Sec11.pdf>

spatial restrictions, upon application of the Zoning Bylaw 2039 A-1, many prospective Cannabis Stores would be eliminated, and that he assumes that about four (4) to six (6) would be able to operate within the commercial area.

(Affidavit #1 of AHuynh, para. 3)

7. In reality, applying section 58.3 of the Zoning Bylaw 2039-A1, or 2039-A3, renders nearly all of the Core Commercial Use zone as impermissible for Cannabis Stores. In addition to this, of the limited area that is permissible for a Cannabis Store to operate in, there may only be one Cannabis Store within the Core Commercial Use Zone. This is because of the following:
 - a. Boundary Child Care, provides free drop-in playtime and is listed as a daycare is located at 7320 4th Street;
 - b. Jazzercise Grand Forks, provides free childcare to its attendees for four classes per week, and classes only occur once or twice a day;
 - c. Dazzle Dance and Fitness, primarily provides dance classes to children and youth is located at 7375 second street; and
 - d. CU Zones found near and throughout the Core Commercial Use zone.

(Affidavit #1 of AHuynh, Exhibit B)

8. Schedule A-1 of the consolidated Zoning Bylaw 2039 provides a map of the “Cannabis Product and Retail Zoning: Eligible Underlying Zones”, which lists Core Commercial and Neighbourhood Commercial zones as eligible for Cannabis Retail locations. However, section 46.2 of the consolidated Zoning Bylaw 2039 states that the following uses and no others are permitted:
 - a. convenience stores;
 - b. restaurants and liquor licensed premises;
 - c. personal service establishments;
 - d. dwelling units above or in conjunction with the commercial operation;
 - e. professional services;
 - f. post office;
 - g. *animal hospitals*. [Bylaw 2039-A3]

Although the City amended section 46 regarding Neighbourhood Commercial Zone to include animal hospitals, it did not include Cannabis Stores, and as a result, Cannabis Stores would not be permissible within Neighbourhood Commercial Zones as well. Accordingly, if the strict application of Zoning Bylaw 2039, and the amending Zoning 2039-A3 is applied, then Cannabis Stores are restricted even further, and would almost only be operable within industrial zones.

9. Section 56 of the consolidated Zoning Bylaw 2039 states that only the following uses are permitted within the CU Zone:
 - a. libraries;
 - b. museums;
 - c. cemeteries;
 - d. hospital, including medical clinic, dental clinic, ambulance station, rest home or
 - e. private hospitals;
 - f. post office;
 - g. community events centre;
 - h. community use service;
 - i. open space passive recreational areas;
 - j. municipal, local government or educational buildings, day care centers;
 - k. senior citizen complexes, senior activity centres and congregate care facilities;
 - l. any building or structure operating under a Private-Council partnership agreement.
10. The requirement of a 100m distancing requirement from a CU Zone is unduly restrictive, as it limits the permissible locations for Cannabis Stores to such a degree that renders Zoning Bylaw 2039-A3 as legislation that prohibits the operation of Cannabis Stores within the City, rather than legislation that is facilitating or supporting it. Furthermore, most of the permitted uses within the CU Zone are of a nature that other jurisdictions have not provided setback requirements for Cannabis Stores relative to those specific uses. For example, other jurisdictions have not set distancing requirements from cemeteries, which would potentially, occur with the City given the 100m setback requirement from a CU Zone, rather than providing for a distancing requirement given a specific use found within the CU Zone. Moreover, maintaining a setback requirement of 100m from a CU Zone, which may include a senior citizen complex or may not, would be contrary to intention of City Council to meet the needs of their constituents. This is because, as stated during the City Council meeting on May 15, 2017, there are many elderly individuals and those with medical conditions that rely on cannabis to alleviate their symptoms (Affidavit #1 of AHuynh, para. 5)
11. Thus, applying a strict distancing requirement of 100m from a CU Zone would be contrary to the intention of Council to provide reasonable access to cannabis for its constituents, whether it is for medical or recreational purposes, as well as contrary to the intention of City Council to provide more equitable access to the cannabis retail market (Affidavit #1 of AHuynh, Exhibit C). It is submitted by the Applicant that the intention of Council and the needs of the constituents to have reasonable access to cannabis, both from a consumer level and the community's economic development requires a flexible approach to the application of the 100m distancing requirement from a CU Zone. Accordingly, the needs of the constituents may be addressed by determining the specific use of the parcel within the CU Zone that renders the Cannabis Store impermissible under section 58.3 of the Zoning Bylaw

2039-A3 and determining whether to approve the Applicant's development variance for the Premises. Otherwise, as evidenced from the 100m buffer placed surrounding CU Zones in the Core Commercial Zone, Cannabis Stores would be impermissible in a large portion of the City (Affidavit #1 of AHuynh, Exhibit D).

12. The Zoning Bylaw 2039 defines community use services as meaning, "the use of land, buildings or facilities for the following purposes:
 - a. community sponsored and funded passive or active recreational activities;
 - b. community sponsored and funded educational activities;
 - c. health activities, which includes congregate care facilities, intermediate care facilities, personal care facilities and hospitals;
 - d. or any combination of the above."
13. Based on this definition, it is apparent that the intention of City Council in implementing CU Zones is to protect those areas from the proliferation of businesses solely for an economic purpose that does not contribute to the wellbeing of the City's community members. However, in this case, and as considered during the May 15, 2017 Council meeting, cannabis assists many individuals with a number of medical and mental health conditions (Affidavit #1 of AHuynh, para. 5). This is also evidenced in the summary of affidavits of people that the Applicant assisted (found below) by providing a product that contributes to their personal care and is a "health activity" for those individuals, as provided for in the definition of "community use services". Arguably then, creating a distancing requirement for Cannabis Stores from CU Zones, would be contrary to the implementation of CU Zones and definition of "community use service", as Cannabis Stores may be construed as a business that is providing a "community use service".
14. Furthermore, it is not the intention of City Council in implementing the CU Zones to create a barrier for businesses seeking to operate outside of that zone, but more so, it is evident that City Council wanted to encourage businesses that provide a "community use service" to operate within the City by enacting the CU Zones. Accordingly, using CU Zones to restrict businesses outside of said zone, is contrary to City Council's intention to encourage businesses that provide "community use services". In other words, it is City Council's intention to foster a certain type of business in implementing CU Zones, rather than using said zone to restrict businesses and activities outside of said zone. Hence, it would be contrary to the intention of the City Council to create a distancing requirement for Cannabis Stores from businesses that provide "community use services", as it is apparent that in implementing CU Zones, City Council members were concerned that the City will be proliferated with businesses with a sole economic purpose that did not contribute to the community members' wellbeing, which is not how the Applicant intends to operate.

15. On April 29, 2019, the Applicant was informed by a delegate of the Director that “upon preliminary review we note that the proposed location is less than the required 100 m distance from a community use zone... as you may already know, council rejected the last application that did not meet the setback distance requirement from a community use zone *and* from a youth centred facility” (italics added).
16. In this case, the Applicant is within 100m of a CU Zone, but not within 100m of a youth centered facility. Accordingly, the Applicant is seeking a development variance in relation to the 100m distancing requirement from a CU Zone. The specific use within the CU Zone that the Applicant is within 100m of is James Donaldson Park, which is not a “youth centred facility” as it is not a school, daycare, playground, community garden, recreation facility, or other facility designed for use primarily by minors. James Donaldson Park is a baseball field that hosts baseball tournaments, and this is in addition to, allowing any member of the community to use the baseball park to play baseball (the “Baseball Park”).

(Affidavit of AHuynh #1, Exhibit E)
17. In particular, the Baseball Park hosts an “International Baseball Tournament”, and although it is a family-friendly event, the baseball players are all adults, and most of the attendees are adults, rather than minors.

(Affidavit of AHuynh #1, Exhibit F)
18. Presumptively, the City Council members’ primary rationale for the distancing requirement of section 58.3 of the Zoning Bylaw 2039-A1 and 2039-A3 is concerning youth exposure to cannabis. However, the Applicant has operated other Cannabis Stores across the country and has never been alleged to have exposed minors to cannabis. This is because the Applicant has implemented the following to reduce youth’s exposure to cannabis in other locations:
 - a. The windows used obscure the view of the contents of the store unless an individual is very close to the windows. The lighting fixtures used also diminish visibility of the contents of the store, as the light used in the store are specific blue lights meant to mimic and simulate daylight, which makes it more difficult to view its contents.

(Affidavit #1 of Taizo Ellis sworn 24 April 2019 [“Affidavit #1 of TELLIS”], para. 17)
 - b. The entrance to the store is locked and requires ringing a doorbell to notify staff members to permit or deny entry through a buzzer.

(Affidavit #1 of TELLIS, para. 14)
 - c. Because of the specific lighting used in the store, staff members are able to see people who are seeking entry into the store through the windows of the front door,

and in the evening, there is a light above the front door located on the outside to illuminate anyone seeking entrance.

(Affidavit #1 of TELLIS, para. 15)

- d. Staff members of the store does not allow any individual that appears to be a minor enter the store. These individuals are notified that entrance is denied through the intercom that is connected to the front doors.

(Affidavit #1 of TELLIS, para. 16)

- e. Generally, staff members will ask customers that linger around the front of the store to move along.

(Affidavit #1 of TELLIS, para. 22)

- f. The employees then require any customer to show identification confirming that they are over the age of 19 prior to making any sales. Staff members do not allow any cannabis or cannabis products to be sold to individuals under the age of 19. They ensure this by checking the identification of each person who appears under the age of 30. There are staff members who have lived out-of-province that will check the identification of customers with out-of-province identification. They have an ultra violet light at the store to check the authenticity of any suspicious-looking identification. Any individual without identification or with fake identification are asked to leave the store immediately even if they are regular customers that have shown identification previously.

(Affidavit #1 of TELLIS, para. 11)

- g. The vast majority of customers who visit the store are between the ages of 30 and 50 years old, with approximately 15% over the age of 60.

(Affidavit #1 of TELLIS, para. 12)

- 19. If permitted to operate on the Premises, the Applicant expects to employ similar safeguards against youth exposure, as well as complying with the applicable bylaws and legislation.

- 20. The following are the site-specific circumstances of the Premises that minimizes youth exposure to the Cannabis Store, which is then eliminated by virtue of the Applicant's operational mechanisms, as stated above:

- a. The location of the Premises, relative to the Baseball Park, obscures the view of the Premises from any minor attending the Baseball Park. This is because at the corner of 75th Avenue and 19th Street of the Baseball Park, there is a large cement wall of the stadium that obscures the view of the Premises from the Baseball Park.

(Affidavit #1 of AHuynh, Exhibit G)

- b. The Premises is a standalone building without any neighbouring business on the same lot that youths would attend.

(Affidavit #1 of AHuynh, Exhibit H)

- c. The distance from the entrance of the Premises to the entrance of James Donaldson park is approximately 61.74m.

(Affidavit #1 of AHuynh, Exhibit I)

- d. The Premises is located within the light industrial zone, an area that is less frequented than Core Commercial Zone.

(Affidavit #1 of AHuynh, Exhibit J)

- 21. A secondary concern that Council members may have had in adopting section 58.3 of the Zoning Bylaw 2039-A1 and Zoning Bylaw 2039-A3 is community safety. The Applicant is able to assuage this concern as the Applicant has not had any policing incidents in relation to safety concerns. The Applicant also implements a number of security measures to ensure the safety of the public and its staff members, which includes installing several cameras throughout the store, a lock and buzzer on the front door that does not allow anyone to enter the store without the approval of an employee, and the bulk of the products are stored in locked storage area (Affidavit #1 of TELLIS, paras. 13 and 14).

- 22. In addition, the Applicant has received support from property owners from whom the Applicant has leased other locations. In one such letter of support from a property owner leasing to the Applicant, the property owner applauded the Applicant's dedication to the community in ensuring that the property remains clean and tidy both within the building and in the surrounding area. The following are pertinent excerpts from the letter of support the Applicant received from the landlord of their location in Vancouver:

- a. "As an Owner/Property Manager for over 45 years, (both residential and commercial property), I can honestly say that 'Weeds' has been the best tenant I have ever had. Being my Tenant for over 5 years, they have never been late with the rent, have never complained to me (except when their toilet was plugged), always kept the adjoining vacant lot free of garbage (I learned later that Don Briere, the proprietor of Weeds, started a regular block clean up by the store staff when garbage was an issue) and most importantly, showed the utmost respect to not only me but others as well. It is well known they donate funds resources and their time to many good causes."

- b. “There are 5 residential units above the Weeds and for the past 5 years, I have never received any complaints from them or any other neighbours in the area as it relates to noise or selling to youths.”
- c. “It will be very difficult to find another tenant as responsible as Weeds.”
- d. “...if Weeds was to close, it will be a hardship for me to find a tenant as responsible and responsive. I anticipate the community in general will also suffer.”

(Affidavit #1 of AHuynh, Exhibit K)

23. The Applicant also provides safety to the community through the products that it provides and adds to the character of the community by ensuring that staff members adhere to high levels of service and dedication to its customers. This is evidenced in the affidavits of customers that attest to the excellent quality of products, professionalism and courtesy of its staff members, and the general cleanliness of the store. While these affidavits relate to locations in Vancouver where the Applicants dispensed medical cannabis while awaiting a decision surrounding their legality, even though the proposed business at the Premises is not for a medical cannabis dispensary, but for a recreational Cannabis Store, the testimonials of their clientele speak to the Applicant’s professionalism and levels of customer service:

- a. Daniel Obcena suffers from anxiety and insomnia, and finds that the Applicant provides him with the most reliable and most convenient way for him to obtain medicinal cannabis. He chooses to return time and time again because he liked the hospitality and the product selection, and feels that there is a real sense of community there and he has become friends with many of its staff. He believes that the products are of high quality because he achieves the desired relief from his extreme bouts of anxiety and exhaustion that inhibits his ability to work. He also feels that the store is safe because you can see security cameras around the store and he has never seen any suspicious activity near or inside the Premises. It would be difficult for him to go elsewhere because the Premises are conveniently located and he has visited numerous other Cannabis Stores and found that none of them have provided the consistent quality and service as the Applicant.

(Affidavit #1 of DObcena, paras. 6, 7, 12, 14, 16, and 17)

- b. Denna White was diagnosed with Attention Deficit Hyperactivity Disorder, Depression, insomnia, Post-Traumatic Stress Disorder, and alcoholism. As a result of these medical and mental health conditions, she experiences overwhelming feelings of hopelessness, invasive thoughts of self-harm, flash-backs, vivid nightmares, and difficulty sleeping, eating, and focusing, which in general, causes her to have difficulty functioning on a daily-basis. She was prescribed a number of

pharmaceutical medications, which did not help but caused the state of her mental health to worsen drastically, and because of this, she started relying on alcohol to relieve her symptoms which led to her alcohol dependency. Cannabis helps her manage and address the symptoms of her conditions, function on a daily-basis, and her alcoholism. She relies on the Applicant because she feels safe purchasing her medicine from the Applicant, as feeling safe is a very important and high priority for her. She finds that the staff members are kind and professional, and the quality of the products is great, and the store is always clean. If the Applicant were to close down, she is unsure where she would purchase her medication, as she requires specific strains and products that she is only aware that the Applicant provides. If the Applicant was shut down, she may have to rely on the illicit market again, which she is very hesitant in doing so, as the illicit market is prevalently dominated by men who often make unwelcomed advances towards her.

(Affidavit #1 of DWhite, paras. 5-10, and 12-13)

- c. Duane Christopher Barrett suffers from a number of sports-related injuries, knee surgery, and broken a number of bones in his hand, which subsequently resulted in chronic pain. He was prescribed OxyContin, but stopped after two days as it affected him badly. When he uses cannabis, he finds that the pain he experiences on a daily basis is almost gone. The Applicant provides him with a welcoming and pleasant place to purchase his medicine, as he is consistently provided with excellent customer service. He visited a different Cannabis Store previously but had a negative experience, and has since only visited the Applicant because of the quality product and excellent and personable customer service and friendly atmosphere. He does not like the idea of ordering cannabis online, and if was unable to purchase his cannabis at the Premises, he is not sure where he would purchase his medicine.

(Affidavit #1 of DBarrett, paras. 4, 5, 6, 10, 15, 16, 17, and 18)

- d. Gulnara Bakhtadze suffers from anxiety that causes severe bouts that resemble panic attacks, and was prescribed anti-anxiety medication from her family physician. If she was unable to purchase the products she requires from the Applicant, she would have to purchase from Tilray, the Licensed Producer, which would affect her negatively both financially and physically, as they do not carry the product she requires and the products that they do carry costs a lot more.

(Affidavit #1 of GBakhtadze, paras. 4, 6, 8, and 9)

- e. Jeffrey Dale was diagnosed with Complex Regional Pain Syndrome (“CRPS”), and experiences pain throughout his body from his neck to his ankles, all day and every day. He was prescribed with medications including Dilaudid, Gabapentin, Lyrica,

Demerol, and Tylenol 3; however, none were helpful in treating his pain from CRPS and caused side effects including itchiness, constipation, and breathing problems, and increased the pain in other areas of his body. In using medicinal cannabis, he found it much more effective, and assisted him in taking his mind off of the pain so that he could focus on other things and continue with his day. He relies on the Applicant as he finds them to be the safest, most reliable, and most convenient place for him to obtain his medicine.

(Affidavit #1 of DBarrett, paras. 5, 6, 7, 9, 11, and 16)

- f. Julia Shuker, a professor in the School of Criminology and Criminal Justice at the University of Fraser Valley, worked at two maximum security facilities for 25 years, and was subsequently diagnosed with PTSD, and soon after, internal bleeding in her gastrointestinal tract resulted in a diagnosis of anemia. After her lack of success with Tylenol No. 3, Morphine, and Effexor, her doctor prescribed Nabilone, a synthetic cannabinoid as well as medical cannabis. Ms. Shuker notes that ordering medical cannabis through an LP took 8 months to a year to complete and obtain a license, and renewals are required every year and takes 3 months to complete. When she did try to purchase from the LP, she found that they only offered medical cannabis in dried form and some oils, but did not offer edibles. She relies on the Applicant to purchase her medication because it is of high quality and has a variety of products that help alleviate her symptoms.

(Affidavit #1 of Julia Shuker, paras. 3, 5, 7, 16, 18, 20, 22, 24, and 25)

24. To reiterate, above are some of the affidavits of customers that the Applicant has been able to assist by providing quality products and services, and this is only a small sample of people that the Applicant is able to serve and help on a daily basis through its responsible operation, since on average, one of the Applicant's location in Vancouver sees about 800 people per day (Affidavit #1 of TELLIS, para. 6).
25. Not only is the Applicant able to assuage the potential concerns of the City regarding community safety, youth exposure, and additional costs related to policing, but also benefit the community, as the Applicant feels strongly about social responsibility and supporting the community in which it operates. While awaiting for the decision of City Council, the Applicant has donated the Premises to be used as a homeless warning centre, and intends to continue being an active and supportive member of the community if the Applicant's development variance application is granted but if they are not granted the exemption, they will have to make a difficult business decision.
26. The Applicant's commitment to continue operating as an active and supportive member of the community is also evidenced in the financial investment that the Applicant has made.

The Premises are owned by the numbered company 1179711 B.C. Ltd., where the director is Devon Briere (“Devon”). Devon is the son of Don Briere (“Don”), the director of the Applicant. The Applicant is a family-operated business, where Don’s investment through purchasing the Premises is to provide Devon with the opportunity to become a committed member of the community. It is Don and Devon’s intention to apply the family values which are central to the Applicant’s operation into the development and use of the Premises as a Cannabis Store by contributing to and supporting the community, and its members.

27. The Applicant has also assisted the economic growth of the community, as evidenced in the other location it operates, where the Applicant employs 15 staff members to operate and provide the employees with a wage that is above B.C. minimum wage standards. The highest level of education that nearly all staff members have obtained in that location is their high school diploma. Accordingly, it would be unlikely, without the requisite experience for a given position, that the staff members hired by the Applicant would be able to obtain a wage that is well above the B.C. minimum wage standards in addition to providing health and dental benefits.

(Affidavit #1 of TELLIS, paras. 22-24)

Conclusion

28. The Applicant submits that a strict application of section 58.3 of the Zoning Bylaw 2039-A1 and Zoning Bylaw 2039-A3 would render a majority of the City impermissible for Cannabis Stores to operate within, as the 100m buffer surrounding CU Zones renders nearly all of the Core Commercial Zone impermissible for Cannabis Stores, and the 100m buffer surrounding CU Zones, present throughout the City, renders a number of areas throughout the City impermissible for Cannabis Stores. This impermissibility of Cannabis Stores to operate within the City is aggravated further by operation of section 46 of the consolidated Zoning Bylaw 2039, Zoning Bylaw 2039-A1, and Zoning Bylaw 2039-A3, where Cannabis Stores are not listed expressly as a permitted use under section 46.2, Neighbourhood Commercial Zone.
29. Any concerns of the City in allowing the development variance can be assuaged by the site-specific circumstances surrounding the Premises along with the operational mechanisms that the Applicant will implement to ensure the safety of youth and the community. Furthermore, the Applicant is socially responsible, and its operation will benefit the community at large, as they have countless customers who have attested to the excellent quality of products they carry, professionalism and courtesy of its staff members, and the general cleanliness of the store, both within and surrounding. The Applicant will benefit the local economy by employing staff members from the community and providing them with wages well above the minimum wage in BC along, and health and dental benefits. In addition, the Applicant has presently donated the Premises as a homeless warning centre until a decision is rendered,

and the Applicant intends to continue being an active and supportive member of the community.

30. Therefore, the Applicant requests that the City approve its application for development variance, since although the Premises are located within 100m of a CU Zone, the specific use in which it is 100m within is not a “youth centred facility” as defined in Zoning Bylaw 2039-A1. The Baseball Park is not attended and primarily used by minors – use by youth is merely incidental to the overall use of the Baseball Park as public recreational space. Even if the Baseball Park is used mostly by minors, which it is not, the mechanisms that the Applicant will be placing on the Premises will ensure that youth exposure to cannabis will be eliminated. Furthermore, to emphasize, the Applicant intends to be an active, engaging, and supportive member of the community, and will cooperate with the City to address any concerns, regardless as to the remoteness of the possibility of that occurring.

This is the *1st Affidavit* of
Alice Huynh in this case and
was made on May 9, 2019

DEVELOPMENT VARIANCE PERMIT APPLICATION

To: The Corporation of the City of Grand Forks
7217 – 4th Street
P.O. Box 220
Grand Forks, B.C.
Fax: (250) 442-8000

Submitted by: Weeds Glass & Gifts Ltd. (the “Applicant”)

AFFIDAVIT OF ALICE HUYNH

I, Alice Huynh, c/o Davison Law Group, 1650 – 1130 West Pender Street, Vancouver, BC, V6E 4A4, SWEAR (OR AFFIRM) THAT:

1. I am a lawyer with Davison Law Group, counsel for the Applicant in this matter and as such I have personal knowledge of the facts and information deposed of herein save and except where I state such facts to be on information and belief and where so stated I verily believe those facts to be true.
2. Attached to this my Affidavit and marked as **Exhibit “A”** is a true copy of the minutes of the meeting of the Committee of the Whole of the City of Grand Forks (the “City”) that occurred on February 13, 2018.
3. On or about May 3, 2019, I reviewed the video of the City Council meeting that occurred on April 1, 2018, which was posted online, and I noted the discussions.
4. Attached to this my Affidavit and marked as **Exhibit “B”** are true copies of the services offered at Boundary Child Care, Jazzercise Grand Forks, and Dazzle Dance and Fitness.
5. On or about May 3, 2019, I reviewed the video of the City Council meeting that occurred on May 15, 2017, which was posted online, and I noted the discussions.
6. Attached to this my Affidavit and marked as **Exhibit “C”** is a true copy of the City’s Agenda for February 11, 2019.

7. Attached to this my Affidavit and marked as **Exhibit "D"** is a true copy of the map of a 100m buffer surrounding businesses found within the Core Commercial Use zone.
8. Attached to this my Affidavit and marked as **Exhibit "E"** is a true copy of the google map view of James Donaldson Park.
9. Attached to this my Affidavit and marked as **Exhibit "F"** are true copies of the photo gallery from the website www.grandforksbaseball.com/photos.
10. Attached to this my Affidavit and marked as **Exhibit "G"** is a true copy of the street view image outside of James Donaldson Park.
11. Attached to this my Affidavit and marked as **Exhibit "H"** is a true copy of the street view image outside of the property located at 7500 Donaldson Drive.
12. Attached to this my Affidavit and marked as **Exhibit "I"** is a true copy of the distance measured on google maps from the entrance of the property at 7500 Donaldson Drive to the entrance of James Donaldson Park.
13. Attached to this my Affidavit and marked as **Exhibit "J"** is a true copy of a map of the property at 7500 Donaldson Drive with various use zones labelled.
14. Attached to this my Affidavit and marked as **Exhibit "K"** is a true copy of the letter of support from the owner of the premises in which the Applicant leased from in Vancouver dated April 24, 2019.

SWORN (OR AFFIRMED) BEFORE ME)
 at Vancouver, British Columbia)
 on May 9, 2019.)

 A commissioner for taking affidavits)
 For British Columbia)

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 1650-1130 West Pender Street
 Vancouver, BC, V6E 4A4
 Tel: 604-424-9472 Fax: 604-629-7810



 Alice Huynh

February 13, 2018



This is Exhibit "A" referred to in the
affidavit of Alice Huynh
sworn before me at Vancouver, BC
this 9th day of May 2019

.....
A Commissioner for taking Affidavits
for British Columbia

The Corporation of the City of Grand Forks
Committee of the Whole
MINUTES

Meeting #: C-2018-02
Date: Tuesday, February 13, 2018, 9:00 am
Location: 7217 - 4th Street, City Hall Council Chambers

Present: Mayor Frank Konrad
Councillor Julia Butler
Councillor Chris Hammett
Councillor Neil Krog (joined at 9:53 am)
Councillor Colleen Ross (joined at 9:04 am)
Councillor Christine Thompson
Councillor Beverley Tripp

Staff: Diane Heinrich - Chief Administrative Officer / Corporate Officer
Daniel Drexler - Deputy Corporate Officer
Juliette Rhodes - Chief Financial Officer
David Reid - Manager of Operations
Dolores Sheets - Manager of Development & Engineering
Services
Dale Heriot - Fire Chief
Cavan Gates - Deputy Manager of Operations & Sustainability
(joined at 9:50 am)
Graham Watt - Senior Planner
David Bruce - Manager of Inspection & Bylaw Services
Bud Alcock - Bylaw Enforcement Officer

GALLERY

1. CALL TO ORDER

The Committee of the Whole Meeting was called to order at 9:00 am.

2. COMMITTEE OF THE WHOLE AGENDA**a. Adopt agenda**

February 13, 2018, Committee of the Whole

Moved by: Thompson

THAT the COTW adopts the agenda as presented.

Carried

b. In-Camera Meeting Reminder

Reminder:

A Special to go In-Camera meeting of Council will be held directly following the Committee of the Whole.

3. MINUTES**a. Adopt minutes - COTW**

January 15, 2018, Committee of the Whole Meeting minutes

Moved by: Thompson

THAT the COTW adopts the January 15, 2018, Committee of the Whole Meeting minutes as presented.

Carried

4. REGISTERED PETITIONS AND DELEGATIONS**a. Request to submit BikeBC Grant and investigate plowing across Nursery Trestle**

Grand Forks Community Trails Society

Councillor Ross joined the meeting at 9:04 am.

Chris Moslin of the Grand Forks Community Trail Society gave a presentation and discussion ensued regarding:

- 2017 year review

- Trails throughout the City
- Possibility to apply for Bike BC grant
- 2 proposed upgrades to the trail system in Grand Forks
- possibly extension of plowing the Trans Canada Trail into a section of the RDKB area of the trail

Moved by: Tripp

THAT the COTW receives the delegation and presentation from The Grand Forks Community Trails Society for information and the proposed motions for discussion.

Carried

b. 2017 Year-End Summary as per Fee for Service Agreement

The Boundary Museum Society

Shannon Profili and Lee Derhousoff of the Boundary Museum Society gave a presentation and discussion ensued regarding:

- 2017 year in review
- various user groups use the Museum meeting room
- upgrade to meeting room equipment to make the area more user friendly
- various events throughout the year
- restoration of antiques
- Indigenous exhibit and education
- upcoming events for 2018
- trial run of admission fees compared to donations only
- great & important facility to have in community
- possible "passport" in conjunction with other venues in the community

Moved by: Thompson

THAT the COTW receives for information the delegation presentation from The Boundary Museum Society.

Carried

c. Quarterly Update

Grand Forks Art Gallery Society

Tim van Wijk and Gary Babin of the Art Gallery Society gave a presentation and discussion ensued:

- new exhibits at the Gallery facility
- fundraising events
- AGM - retirements, new board members, renaming of a Gallery wing as the "Ted Fogg Gallery"
- planned events for 2018
- other initiatives - strategic plan updates, brand review, asset management and capital budgeting
- year end financials are on track
- importance of arts and culture for the community
- possible admission pricing compared to donations
- comparison to other gallery's in the country
- compensation for artists compared to sales of art work

Moved by: Ross

THAT the COTW receives for information the delegation presentation from the Grand Forks Art Gallery Society.

Carried

5. REGIONAL TOPICS FOR DISCUSSION - WITH AREA D

6. PRESENTATIONS FROM STAFF

- a. Revision of Policy 1603 – Risk Management City Electrical

Outside Works

Councillor Krog joined the meeting at 9:53 am.

Discussion ensued regarding the proposed policy:

- comparison regarding language between new and old policy
- meant as an over-arching governance policy
- electrical review and safety procedures are in a separate document
- guiding principle is focused on health & safety and risk management of the utility to go hand in hand as part of the overall safety procedures

- procedures are in separate document that are operational in nature
- Councils responsibility is to set policy, not procedures

Moved by: Thompson

THAT the Committee of the Whole recommends to Council to adopt the revised “Policy 1603 – Risk Management City Electrical” at the February 26, 2018, Regular Meeting.

Carried

b. Cannabis Legalization Critical Path

Engineering and Development

Discussion ensued regarding:

- timeline for bylaw changes required
- staff resources required to meet timelines
- comparison with other municipalities and potential of working collectively
- legal counsel consultation and input
- goals of the public survey - to determine possible public consumption and possible retail location
- possible mute point regarding public consultation
- provincial and federal regulations will dictate what the municipality can legislate through a local bylaw
- public survey will be used to draft a smoking bylaw to fill the gaps in provincial and federal legislation

Moved by: Hammett

THAT the Committee of the Whole recommends to Council to approve the bylaw introduction and amendment timeline as presented, at the February 26, 2018, Regular Meeting.

Carried

c. Monthly Highlight Reports

Department Managers

Discussion ensued regarding:

- fire at a homeless camp
- LGMA Bootcamp update
- Right of Way under the rail road as part of the WWTP project
- Second hand dealers bylaw is currently under internal review

Moved by: Ross

THAT the COTW receives the monthly highlight reports from department managers.

Carried

7. REPORTS AND DISCUSSION8. PROPOSED BYLAWS FOR DISCUSSION9. INFORMATION ITEMS10. CORRESPONDENCE ITEMS11. LATE ITEMS12. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF THE COUNCIL (VERBAL)13. QUESTION PERIOD FROM THE PUBLIC

Rod Zielinski:

- sewer phasing plan project - grant project has to be completed by March 31, 2018
- expressed concerns regarding the Electrical Safety Plan

Gene Koch:

- Vienna Woods information submitted to Council
- history of the Vienna Woods area and past Council discussions

- possibility for Council to make a firm commitment to the continued support of the Vienna Woods area - previous resolution did not result in a status change of the property
- bylaw or covenant on the property would be required to ensure protection of the area
- importance of bird habitat for the community
- possible protection of forested areas
- process for advertisement of property due to inquiry from a developer
- sensitive systems inventory by an independent biologist is in final stages, review should be available to Council in March 2018
- danger tree removals on airport grounds in 2016
- environmentally sensitive staff is currently employed at the City
- possible cleanup procedures
- types of owls in the area: grey horned owl, boreal owl, screech owl

14. **ADJOURNMENT**

The Committee of the Whole Meeting was adjourned at 11:07 am.

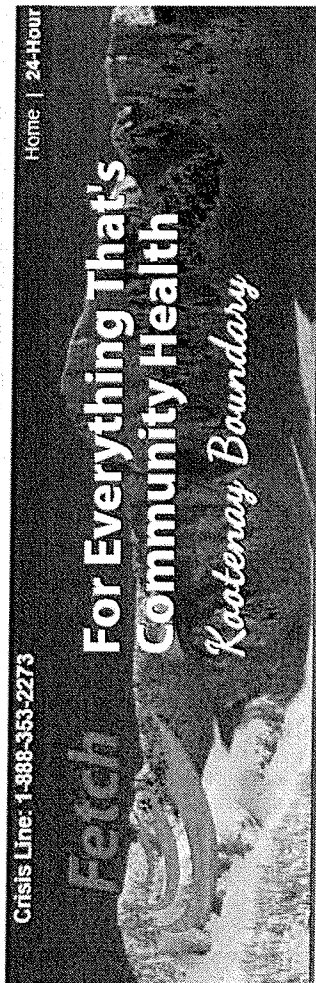
Moved by: Ross

THAT the Committee of the Whole Meeting be adjourned at 11:07 am.

Carried

Mayor Frank Konrad

Deputy Corporate Officer – Daniel
Drexler



Child Care Resource and Referral Program - Boundary

Serves Boundary communities including Beaverdell, Bridesville, Christina Lake, Grand Forks, Greenwood, Midway, Rock Creek and Westbridge.

Works toward enhancing the availability and quality of a wide range of child care options and events for children and families throughout the Boundary.

Services include:

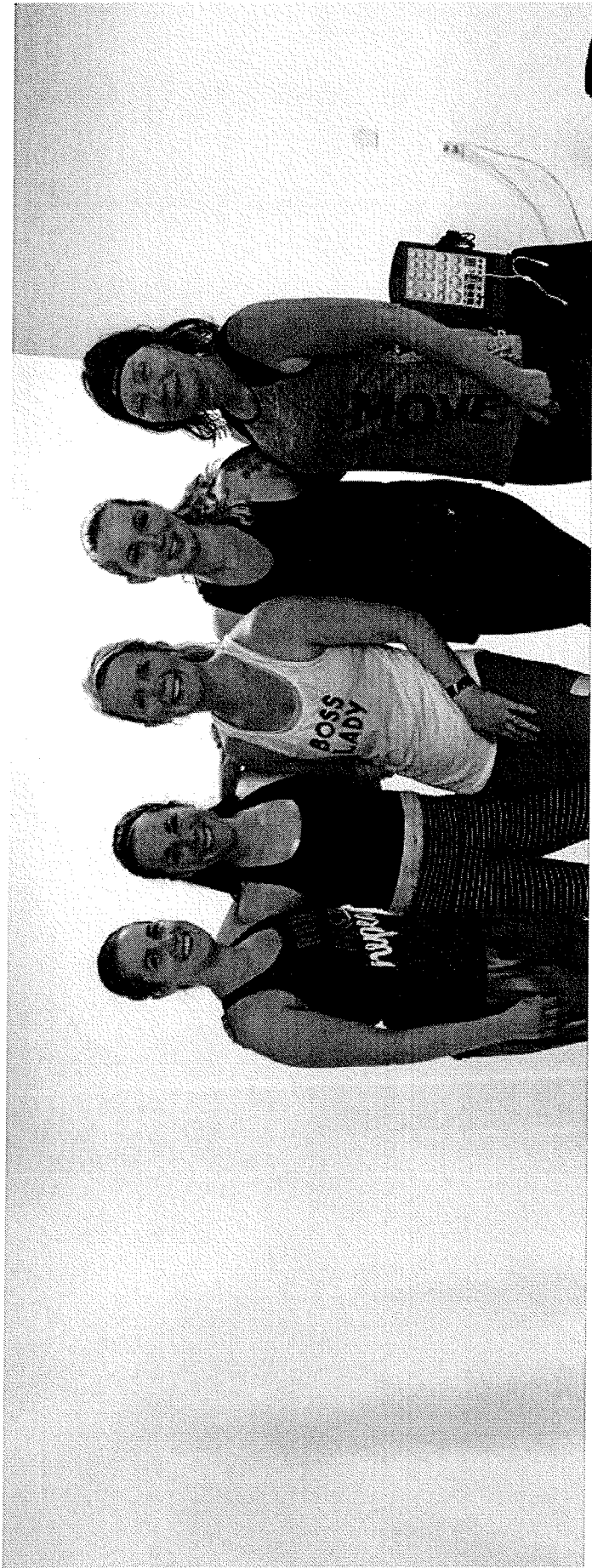
- Free or low cost training opportunities for parents and care providers
- Bi-monthly newsletter for parents and care providers
- Extensive toy lending and resource library which is free for care providers and for a low annual fee for parents
- Readily available support and consultations
- Public access computer
- Free referrals to child care providers and programs
- Free drop-in Playtime

Call to confirm when open and times of weekly playgroup and other parent / child activities.

| Address / Contact Info | | Phone Numbers | |
|---|--|---|--|
| 7320 4th Street Grand Forks, BC V0H 1H0 | | Phone : (250) 442-5152 | |
| | | Toll-free : 1-800-475-2823 | |
| | | Fax : (250) 442-2811 | |
| Coordinator : Louise Heck | | Hours of Operation | |
| Mailing address: Box 435 Grand Forks, BC V0H 1H0 | | Regular hours: Monday to Thursday, 10am - 4pm | |

This is Exhibit " B " referred to in the affidavit of Alice Huynh sworn before me at Vancouver, BC this 9th day of May, 2019

A Commissioner for taking Affidavits for British Columbia



Our Story

JAZZEROISE GRAND FORKS · THURSDAY, SEPTEMBER 27, 2018

Child-minding available for 4 classes a week.

[Home](#)[News](#)[Policies](#)[Dance Styles](#)[Fee Schedule](#)[Class Schedule](#)[Contact](#)

Dazzle Dance + Fitness 2018-2019 Class Schedule

Monday

5pm Inter Jazz (7-9yrs) (Miss Sophia)
6pm Pre-Teen Jazz (9-11yrs) (Miss Sophia)
815pm Bruins Yoga (Miss Jillian)

Tuesday

4pm Preteen/Teen Lyrical (Miss Kayla)
5pm Teen Musical Theatre (10+) (Miss Kayla)
6pm Teen/Pre-Comp Jazz (12+) (Miss Kayla)
7pm * Pre-Comp/Comp Jazz Tech (12+) (Miss Kayla)
8-9:30pm Adult Lyrical (18+) (Miss Kayla)

Wednesday

3pm Creative Dance (3-5yrs) (Miss Stacey)
4pm Creative Dance (3-5yrs) (Miss Stacey)
5pm Junior Ballet (5-7yrs) (Miss Stacey)
6pm Junior Jazz (5-7yrs) (Miss Stacey)
7pm Hip Hop (Miss Stacey + Mr Jalin)

Thursday

4pm Jr tap (5-8yrs) (Miss Kristy)
5pm Inter Tap (9-12yrs) (Miss Kristy)
6pm Pre-Teen/Teen Belly Dance Fusion (9+) (Miss Michele)
7pm Adult Belly Dance (18+) (Miss Michele)
8pm – 10pm Rented

Friday

10am Pre-Teen Ballet (8-11yrs) (Miss Lucy/Miss Sophia/Miss Kayla)
11am *Comp Musical Theatre (12+) (Miss Lucy/Miss Kayla/Miss Sophia)
12pm *Comp Jazz (12+) (Miss Lucy/Miss Sophia/Miss Kayla)
1pm * Comp Lyrical (12+) (Miss Lucy/Miss Sophia/Miss Kayla)
2pm Teen Ballet (12+) (Miss Lucy/Miss Kayla/Miss Sophia)

Sunday

12pm Acro (5-7yrs) (Miss Dawn)
1pm Acro (8+) (Miss Dawn)

Minimum of 4 students/class to run

*** By audition and invitation only**

*** At times this class will be used for cleaning competition dances**

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The Corporation of the City of Grand Forks

Public Hearing AGENDA

Meeting #: PH-2019-01
Date: Monday, February 11, 2019, 6:00 pm
Location: 7217 - 4th Street, City Hall Council Chambers

This is Exhibit "C" referred to in the affidavit of... Alice Huynh
sworn before me at Vancouver BC
this 9th day of May 2019.
A Commissioner for taking Affidavits
for British Columbia
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 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.

2. Notification of Meeting

3. Individual Bylaw Submissions

- 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) 3 - 6
Development, Engineering and Planning
- b. Public Hearing - Zoning Amendment Bylaw 2039-A3 7 - 13
Development, Engineering & Planning

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.

Request for Decision



To: Regular Meeting
From: **Development, Engineering and Planning**
Date: January 28, 2019
Subject: First and Second 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 gives first and second reading to Zoning Bylaw Amendment No. 2039-A2.**

Background

Overview

At the Committee of the Whole meeting on January 14, 2019 (see Agenda item No. 8.c.), Council recommended that first and second reading be given to Zoning Bylaw Amendment No. 2019-A2 which would rezone 1.2 hectares (3 acres) from R1 – Residential (Single and Two Family Zone) to CD - 1 (Comprehensive Development 1 Zone). This rezoning would accommodate a 25-unit mobile home park and ecological reserve at the northerly extent of Boundary Drive (see proposed bylaw attached).

Once the rezoning bylaw receives first and second reading, Council must hold a Public Hearing to receive community input prior to adopting the bylaw. Notice of the Public Hearing is advertised for two consecutive weeks in the Gazette and sent to all owner/occupants within 30 metres of the site. The Public Hearing is tentatively scheduled for February 11, 2019 (6pm).

Application Details

Details about the applicant and the site are as follows:

Applicant/Owner: Vadim Kobasew, PO Box 779, Osoyoos, BC V0H 1V0
Agent: Orchard Lane Properties Inc., PO Box 779, Osoyoos, BC V0H 1V (250-490-7959)

Civic Address: 7900/8000 Block of Boundary Drive (including 8051 Boundary Drive)

Legal Descriptions (three lots to be consolidated):

Lot 16, Block 1, Plan KAP586, District Lot 380, Land District 54; PID: 012-190-136 (1 acre).

Lot 17, Block 1, Plan KAP586, District Lot 380, Land District 54; PID: 012-190-152 (1 acre).

Lot 18, Block 1, Plan KAP586, District Lot 380, Land District 54; PID: 012-190-217 (1 acre).

Current Zoning: R1 (Residential – Single and Two-Family) Zone.

Proposed Zoning: Comprehensive Development (“CD”) Zone 1 which generally includes a) specific regulations regarding setbacks, fencing, landscaping and size of mobile home spaces; b) site layout and development tied to site specific plans contained in the bylaw; and, c) designation of an ecological reserve area to protect the existing wetland and ensure adequate building setbacks from it.

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 and execution of a Works and Services 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;
- Consolidation of the three parcels into one and submission of a survey of the wetland as endorsed by a qualified environmental professional;
- 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;
- Payment of Development Cost Charges (DCCs) as per City bylaws. *(Note: The applicant is requesting that DCCs be waived for the smaller mobile homes. DCCs are payable at the time of building permit for each dwelling unit and requests to waive DCCs must be made on a case by case basis. DCCs must be paid by the land owner/developer and not be passed on to the owners of the mobile homes); and*
- City acceptance of any latecomer or related agreements proposed as per the Local Government Act or Community Charter.

Timing

If the rezoning application receives first and second reading, the next steps and estimated time frame are outlined below:

| Activity | Timing |
|--|---|
| First and second reading of the rezoning bylaw. | January 28, 2019 |
| Public Hearing advertised twice and residents within 30 metres notified in writing of the application. | January 30 & February 6 th , 2019 |
| Public Hearing held by City Council. | February 11, 2019 |
| Third reading of the rezoning bylaw. | February 11, 2019 (subject to results of Public Hearing) |
| Works and services agreements finalized; MOTI approval; development permit reviewed. | February/March, 2019 |
| Final reading of the bylaw and Development Permit (Environmental) considered for approval. | March 11 or 25 th , 2019 |

| Activity | Timing |
|---|-------------|
| Site servicing; building permit applications reviewed and issued. | April, 2019 |

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



Community Livability

- The project would contribute much needed affordable 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.

Policy/Legislation

The Official Community Plan, Zoning Bylaw, Local Government Act and the Planning Process and Fees Bylaw.

Attachments

Bylaw No. 2039-A2

Recommendation

THAT Council gives first and second reading to Zoning Bylaw Amendment No. 2039-A2.

Options

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

Request for Decision



To: Regular Meeting
From: Development, Engineering & Planning
Date: January 28, 2019
Subject: First and Second Reading –Amendments to the Zoning Bylaw with respect to cannabis retail stores, accessible parking spaces and other minor changes (File: ZA1901)
Recommendation: **THAT Council gives first and second reading to Zoning Bylaw Amendment No. 2039-A3, 2019.**

Background

Overview

At the regular meeting on January 14, 2019, Council passed a resolution directing staff to bring forward a zoning bylaw amendment to eliminate the 100 metre separation distance between cannabis retail stores in the City and to eliminate the requirement for signs and the front face on these stores to be at least 50 metres from a controlled highway (i.e., Highway No. 3).

Bylaw No. 2039-A3 (attached) addressed these two regulations as well as several other minor “housekeeping” issues intended to clarify the intent of the zoning bylaw and update certain regulations as summarized in Table 1 below.

| Table 1: Summary of Proposed Zoning Bylaw Amendments | | |
|--|---|--|
| Section Reference | Amendment | Intent |
| 58.3 Cannabis Retail Overlay (CRO) | To delete the 100 metre separation distance required between cannabis retail stores in the City. | To streamline the provincial licencing and municipal approval process and to create market access equity among cannabis retail store applicants. Eliminates municipal involvement in market competition in this retail sector. |
| 58.4 Cannabis Retail Overlay (CRO) | To delete the requirement for building facades and signage to be set back 50 metres from Highway No. 3. | To permit more equitable access to the cannabis retail market among stores in the city. |
| 26.6 Offstreet Parking | To require 2% of parking spaces for non-residential uses to be accessible, with a minimum of one space per site. To require the size of these spaces to | To ensure that suitably sized accessible parking stalls are provided for non-residential land uses in the City. The British Columbia Building Code 2018 no longer regulates accessible parking so it now the responsibility of the City. This |

| Table 1: Summary of Proposed Zoning Bylaw Amendments | | |
|--|--|--|
| Section Reference | Amendment | Intent |
| | be at least 2.8 metres wide with an additional 1.2 metres on both sides of the stall to allow wheelchair access. | amendment brings in regulations for the number and size of accessible parking spaces required for non-residential land uses. The new regulation is based on standards recommended by the <i>Ministry of Transportation and Infrastructure</i> and the <i>Institute of Transportation Engineer's</i> publication entitled "Guidelines for Parking Facility Location and Design". |
| Sections 36.4 (R-1 zone), 39.5 (R-2 zone) and 40.7 (R-3 zone) | Clarify the types of dwelling units permitted in certain residential zones. | To eliminate ambiguity with respect to the interpretation of these sections. |
| Various sections; NC, I-1, I-2, I-3, I-4, LF, R-4 and R-4A | Add "animal hospitals" as a permitted use in commercial, industrial and rural residential zones. | To allow animal hospitals to locate in areas other than in the downtown or highway commercial areas. |
| Section 47 HC Highway Commercial Zone and Section 50 I-1 Light Industrial Zone | Add "professional services" as a permitted use in the HC and I-1 zones. | To allow additional flexibility as to where professional offices (i.e., doctors, lawyers) can locate in the City. |

Timing

If the zoning amendment receives first and second reading, the next steps and estimated time frame are outlined below:

| Activity | Timing |
|---|---|
| First and second reading of the zoning bylaw amendment. | January 28, 2019 |
| Public Hearing advertised for two consecutive weeks. | January 30 & February 6 th , 2019 |
| Public Hearing held by City Council. | February 11, 2019 |
| Third and final reading of the zoning bylaw amendment. | February 11, 2019 (subject to results of Public Hearing) |
| Implementation. | February, 2019 |

Benefits or Impacts

General

The amendments to the cannabis separation/setback distances will create more equitable access to the market for potential retailers and streamline the provincial/municipal licencing process without compromising other siting regulations related to neighbourhood impacts, safety, etc.

The text amendments will eliminate some regulation ambiguities and allow more flexibility for animal hospitals and professional services to locate in the City.

Strategic Impact



Community Engagement

- A statutory Public Hearing will be held to encourage and receive feedback from the community on the zoning amendment proposals.



Community Livability

- Adding best practices for accessible parking into the zoning bylaw will improve community livability for community members with accessibility challenges.



Economic Growth

- The process for applying for a cannabis retail store licence will be more transparent allowing applicants to make more informed decisions as to where they may propose to establish a store.
- Requiring accessible parking will make it easier for those with mobility challenges to fully participate in the local economy.



Fiscal Responsibility

- The text amendments will provide clarification to the zoning bylaw and reduces staff time associated with interpreting and clarifying the intent of the bylaw.

Policy/Legislation

Freedom of Information and Protection of Privacy Act, Zoning Bylaw, Official Community Plan, Local Government Act, Ministry of Transportation and Infrastructure Policy No. 5.2.4 and “Guidelines for Parking Facility Location and Design” (Institute of Transportation Engineers).

Attachments

Zoning Bylaw Amendment No. 2039-A3, 2019

Recommendation

THAT Council gives first and second reading to Zoning Bylaw Amendment No. 2039-A3, 2019.

Options

1. THAT Council accepts the report and gives first and second reading to the bylaw.
2. THAT Council does not accept the report.
3. THAT Council refers the bylaw back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A3

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

=====

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

1. This bylaw may be cited for all purposes as “**Zoning Bylaw Amendment Bylaw No. 2039-A3, 2019**”.
2. **Amend Bylaw No. 2039 as follows:**
 - 2.1. **DELETE** subsection 58.3 and replace with:

58.3 Unless otherwise permitted in this bylaw, no building or structure may be within 100m of the nearest parcel boundary of a lot in a Community Use Zone or a youth-centred facility.
 - 2.2. **DELETE** subsection 58.4 and renumber accordingly.
 - 2.3. **DELETE** subsection 26.6 and replace with:

26.6 For non-residential uses, at least 2% of the required offstreet parking areas shall be designated as accessible for persons with disabilities, with a minimum of one space per site. Each offstreet accessible parking spaces for persons with disabilities shall not be smaller than 2.8 metres wide with an additional 1.2 metres on both sides of the space to allow for wheelchair access.
 - 2.4. **DELETE** section 2 (Definitions), subsection 2.1, dwelling unit classification (a) and replace with:
 - (a) Single-family dwelling, detached, generally designed for and occupied by one family.
 - 2.5. **DELETE** subsection 36.4 and 39.5 and replace subsection 36.4 and 39.5 with:

The following types of dwelling units are allowed on a parcel of land:

 - (a) One single-family dwelling, plus one secondary suite and one garden suite; or
 - (b) One two-family dwelling, plus one garden suite;
 - 2.6. **DELETE** subsection 40.7 and replace with:

40.7 The following types of dwelling units are allowed:

 - (a) multi-family dwellings;

(b) apartment buildings.

2.7. **INSERT** *animal hospitals* as a permitted use in the following zones: NC (Neighbourhood Commercial), I-1 (Light Industrial), I-2 (General Industrial), I-3 (Value Added Industrial), I-4 (Gravel/Mineral Processing), LF (Landfill), R-4 (Rural Residential) and R-4A (Rural Residential), and renumber the relevant section(s) or subsection(s) accordingly.

2.8. **INSERT** *professional services* as a permitted use in the following zones: HC (Highway Commercial) and I-1 (Light Industrial) and renumber the relevant section(s) or subsection(s) accordingly.

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

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

PUBLIC HEARING HELD this ____ day of _____, 2019.

Read a **THIRD** time 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-A3 as passed by the Council of the City of Grand Forks on the _____ day of _____ ,

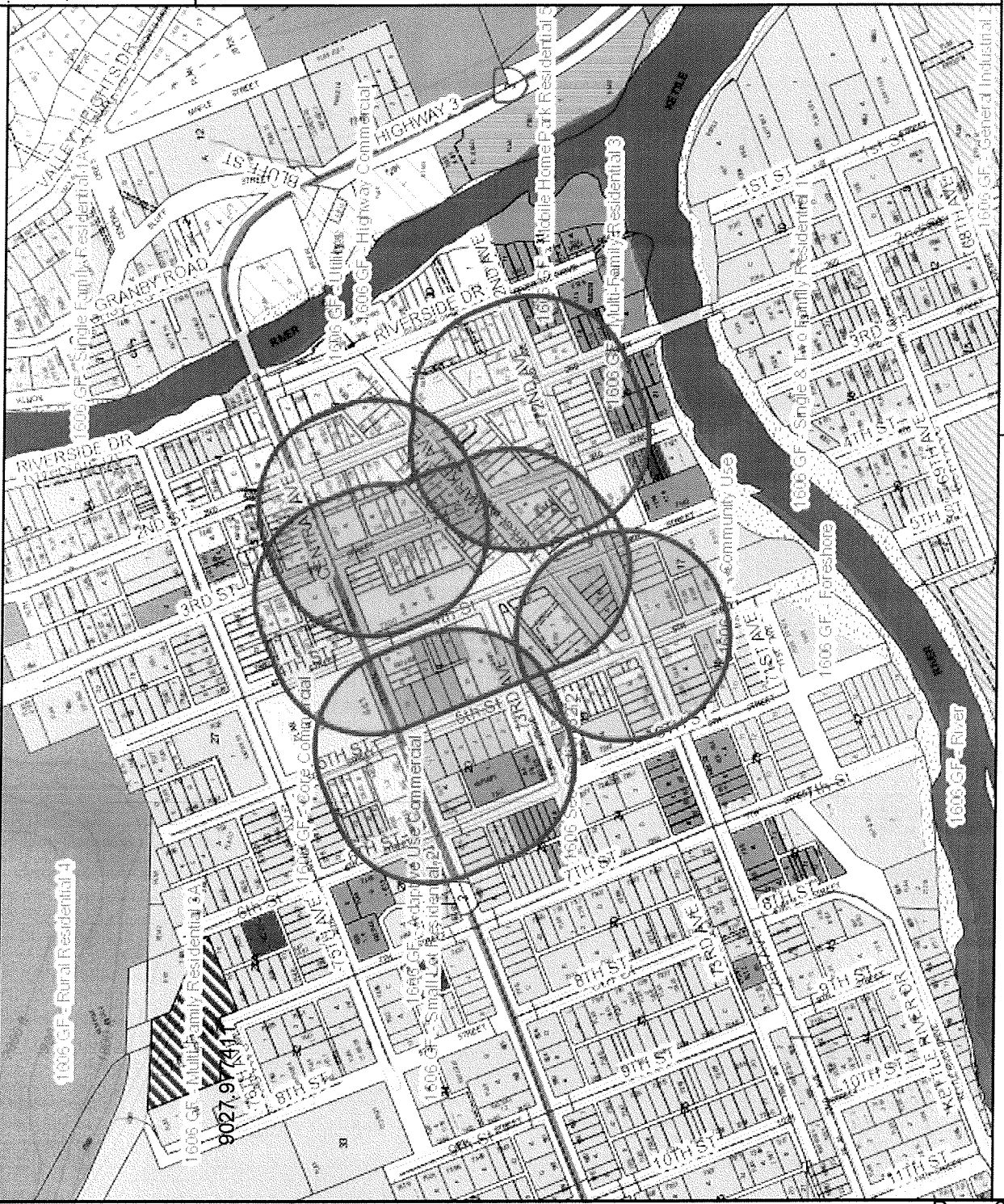
Corporate Officer of the Corporation of the
City of Grand Forks

This is Exhibit "D" referred to in the affidavit of Alice Hrynchuk sworn before me at Vancouver, BC this 04 day of May 2019

A Commissioner for taking Affidavits for British Columbia
Grand Folks

RDKB Internet Mapping

Regional District of Kootenay Boundary
Interactive Mapping System



Legend

- Admin
- Cadastral Lines
 - CAD_DISTRICT_LOT
 - CAD_GAS
 - CAD_HIGHWAY
 - CAD_HYDRO
 - CAD_INTER_BDY
 - CAD_LOTLINE
 - CAD_LOTLINE_LICENSE
 - CAD_LOTLINE_WATER
 - CAD_RAILWAY
 - CAD_RAILWAY_ABAN
 - CAD_ROAD
 - CAD_TELEPHONE
 - CAD_TOWNSHIP
- Miscellaneous Cadastral Lines
 - CADM_AIRSTRIP
 - CADM_ARROW
 - CADM_BRIDGE
 - CADM_DEWDNEY_TRAIL
 - CADM_EASEMENT
 - CADM_HOOK
 - CADM_LEASE_LICENSE

Scale: 1:7,445
1 cm represents 74.44 m

Notes:

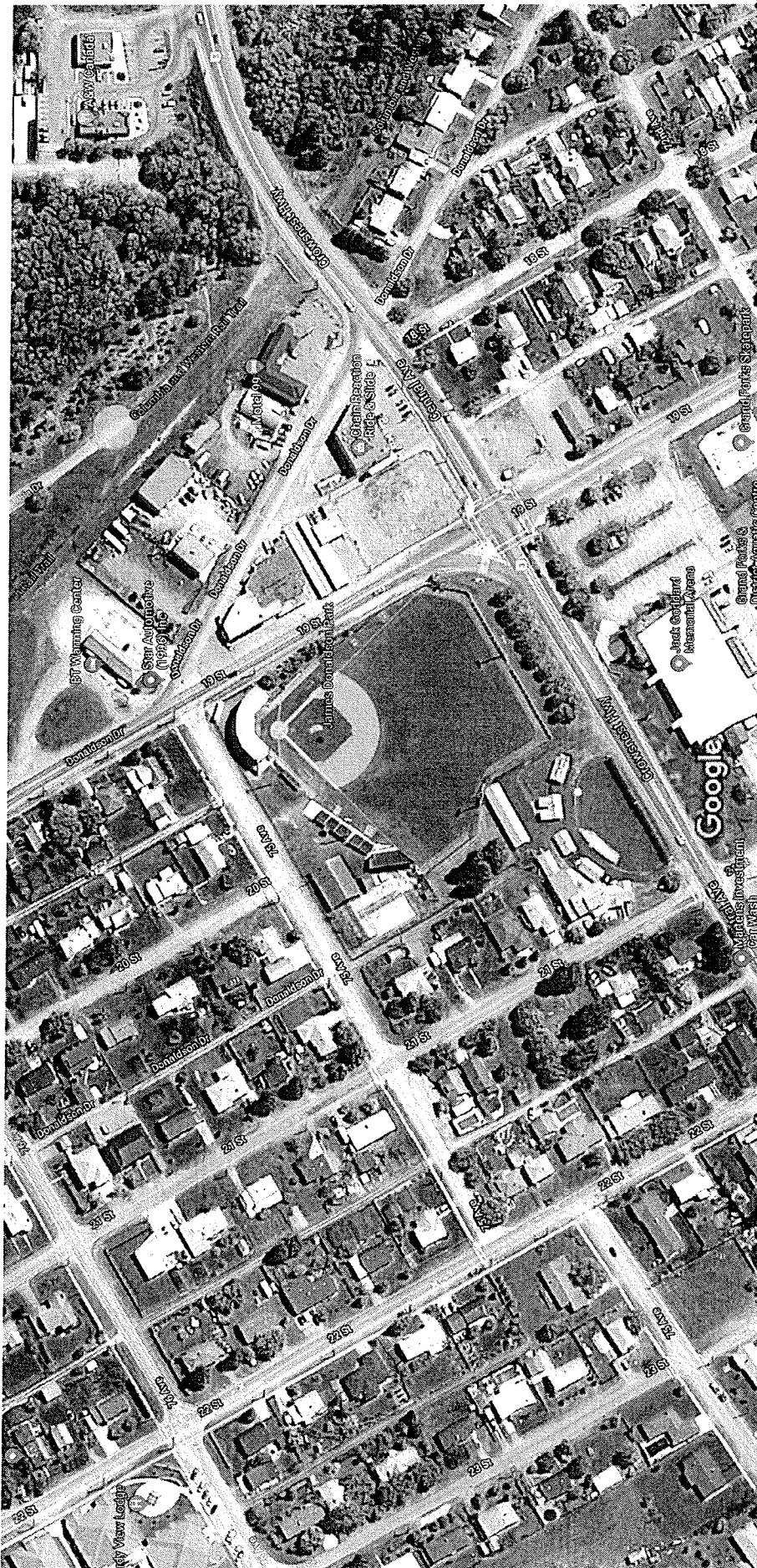
Printed on 04-May-2019

Datum: WGS 84 Projection: Web Mercator

This map is for general information only. The RDKB does not guarantee its accuracy or correctness. All information should be verified.



James Donaldson Park



This is Exhibit "E" referred to in the affidavit of Alice Huynh sworn before me at Vancouver, B.C. this 9th day of May 2019

[Signature]
Commissioner for taking Affidavits
for British Columbia

Imagery ©2019 DigitalGlobe, Map data ©2019 Google



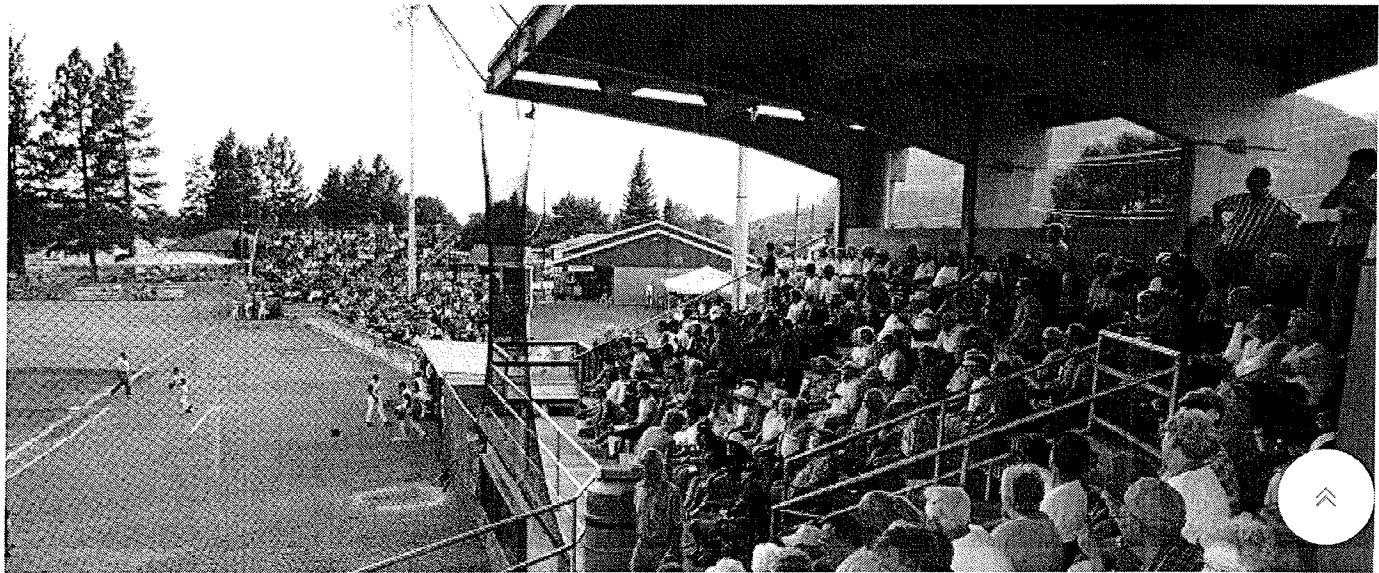
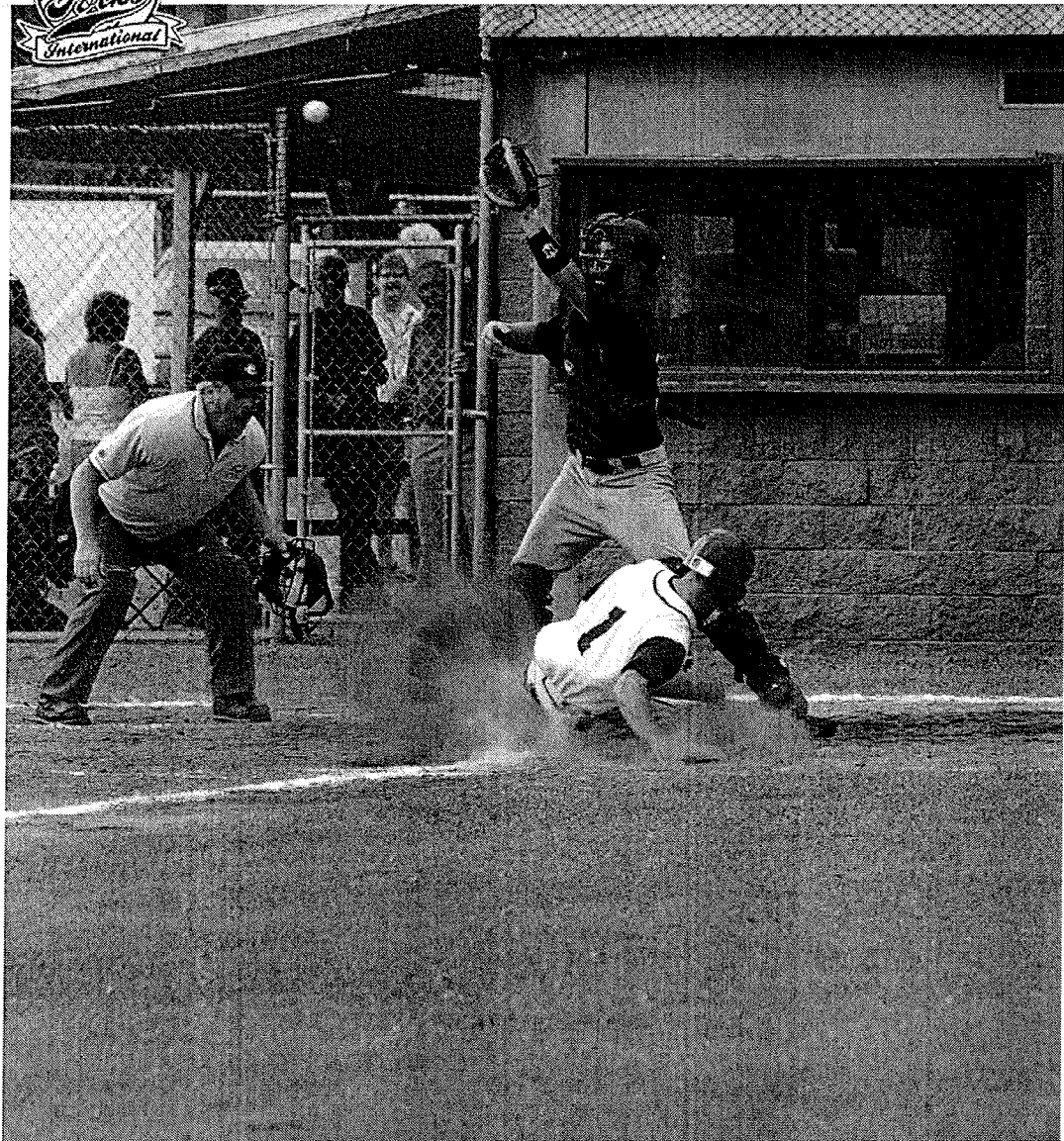
his is Exhibit "F" referred to in the
 affidavit of Alice Hymn
 sworn before me at Vancouver, BC
 this 9th day of May 2019

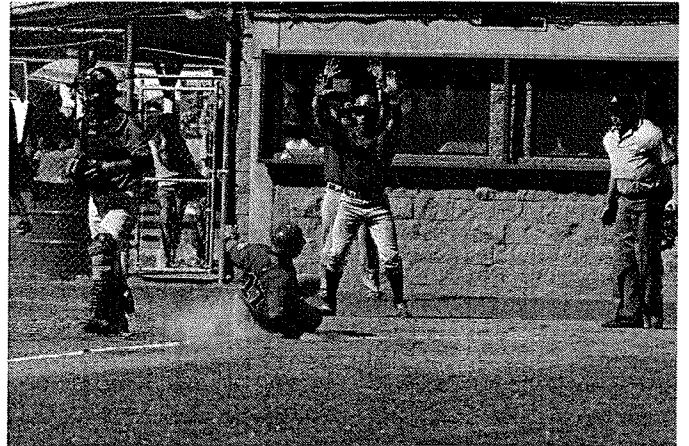
A Commissioner for taking Affidavits
 for British Columbia

Photos









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Grand Forks
Gazette

Recent Posts

Tournament Passes on Sale Now

GFI 37th – Teams Announced





GFI 2018 for the NW Honkers



GFI on Facebook



Grand Forks International (...
1,040 likes

Like Page

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Timeline

Events

Be the first of your friends to like this





THE CUBANS ARE COMING!

and we need billets!

The GFI is pleased to welcome the
Union de Reyes team from Matanzas, Cuba
to this year's tournament.

We are in need of billets who could provide:

- a bed (no couches please)
- provide meals when the player is not at the ball park
- transport to and from the ball park

Hosts will receive a free tournament pass for each
member of their immediate family.

These are college aged boys that require billeting.
If you have room and would like to
enjoy a cultural experience please contact
the GFI @ 250.442.8323 or
email: gfibaseballsociety@gmail.com





[HISTORY](#)

[GFI HALL OF FAME](#)

[VOLUNTEERS](#)

[CONTACT US](#)

[LINKS](#)

Access GFI

[FAQ](#)

[TICKET OPTIONS](#)

[SCHEDULE](#)

[RULES](#)

[SCORES & STANDINGS](#)

[NEWS](#)

Past Teams

[2016 TEAM LINE UP](#)

[2015 TEAM LINE UP](#)

[2012 TEAM LINE UP](#)





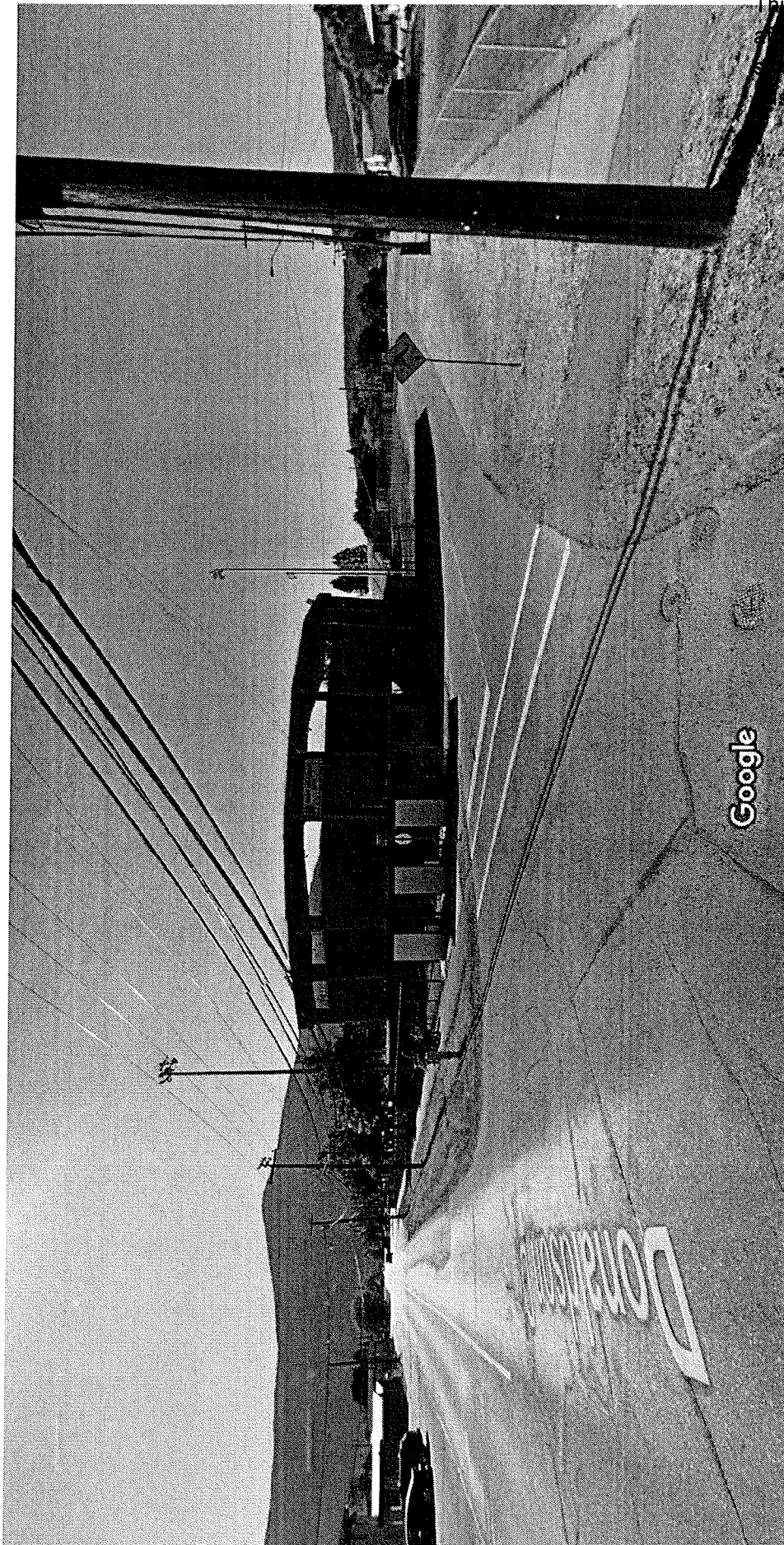
WEBSITE BY CODE'S CAD



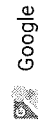
© GRAND FORKS INTERNATIONAL



Google Maps 7515 Donaldson Dr



Grand Forks, British Columbia



Street View - Oct 2012

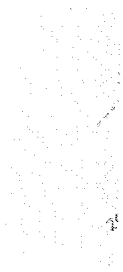


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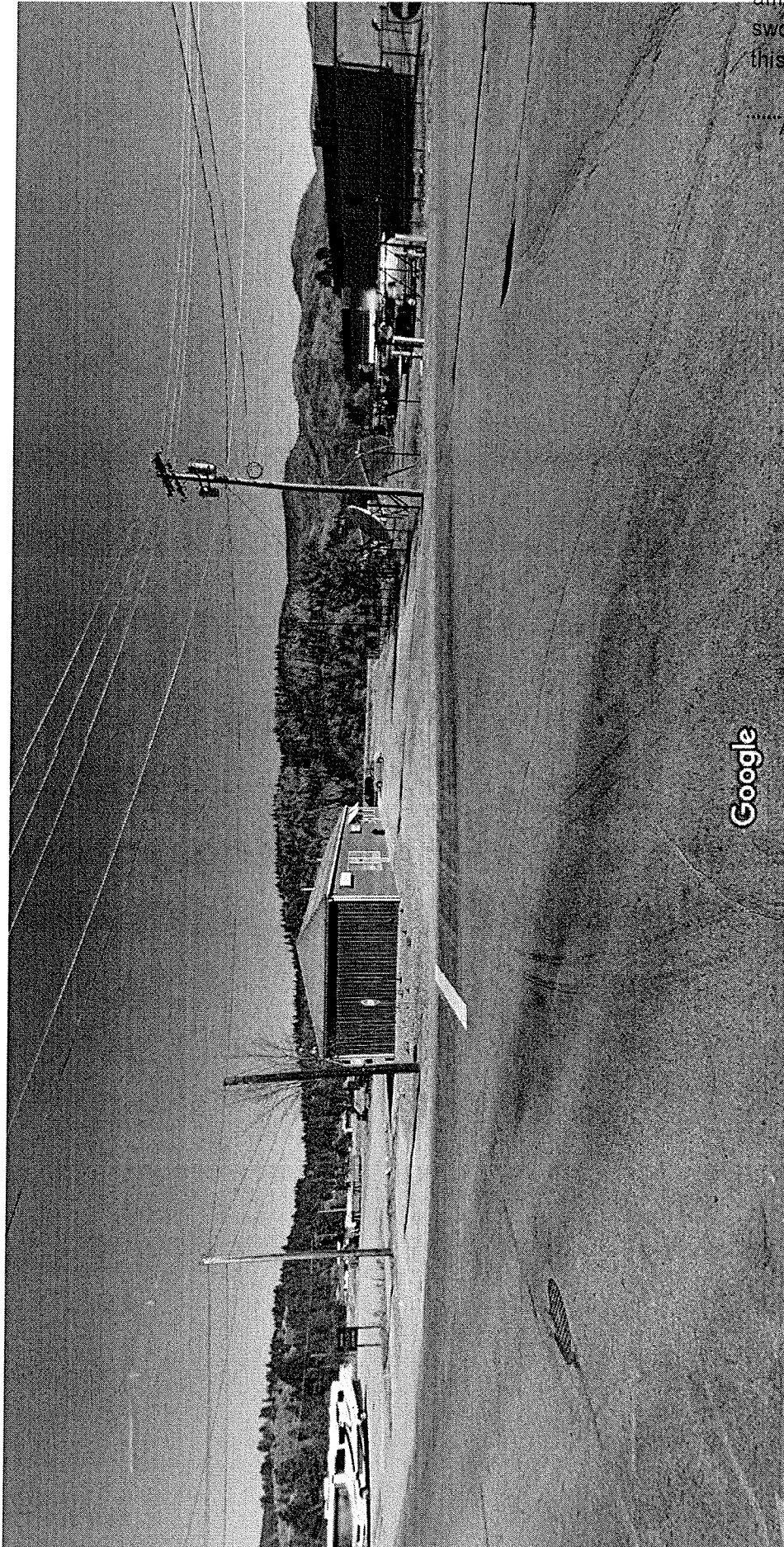
This is Exhibit "A" referred to in the
affidavit of Alice Huynh
before me at Vancouver, B.C.
on the 04 day of May, 2019

A Commissioner for taking Affidavits
for British Columbia

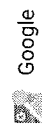
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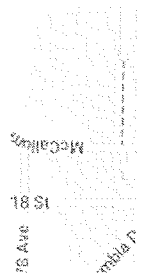
19 St



Grand Forks, British Columbia



Street View - Oct 2012



https://www.google.ca/maps/place/7500+Donaldson+Dr,+Grand+Forks,+BC+V0H+1H0/@49.0293013,-118.4621711,3a,75y,34,45h,85.38t/data=!3m6!1e1!3m4!1!sccE4G2T3uiaozl6QmlJKygiZ0171135

This is Exhibit "H" referred to in the
affidavit of Alice Huynh
sworn before me at Vancouver, B.C.
this 20 day of May 2019
A Commissioner for taking Affidavits
for British Columbia

Image capture: Oct 2012

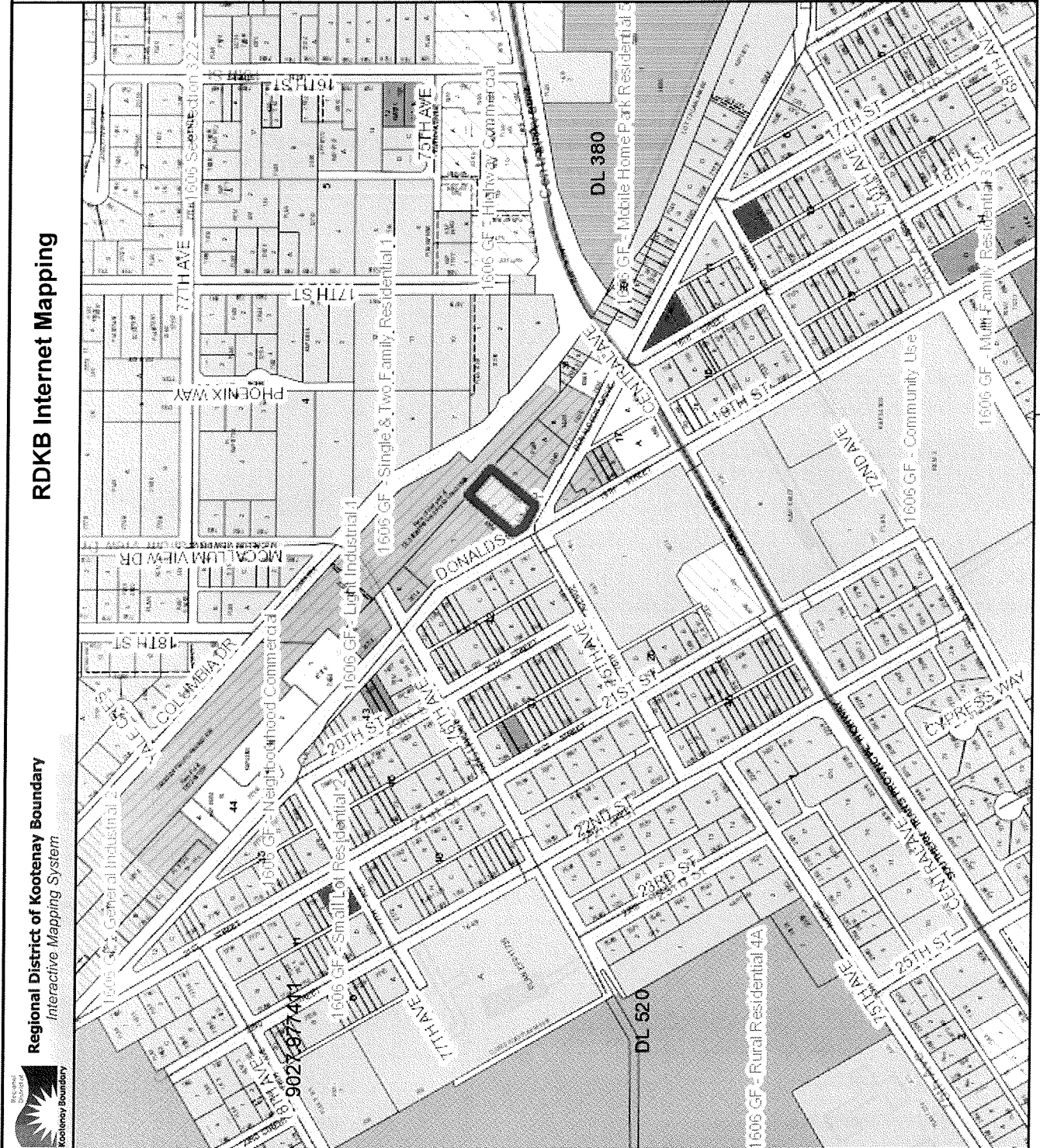


Imagery ©2019 DigitalGlobe, Map data ©2019 Google

Measure distance

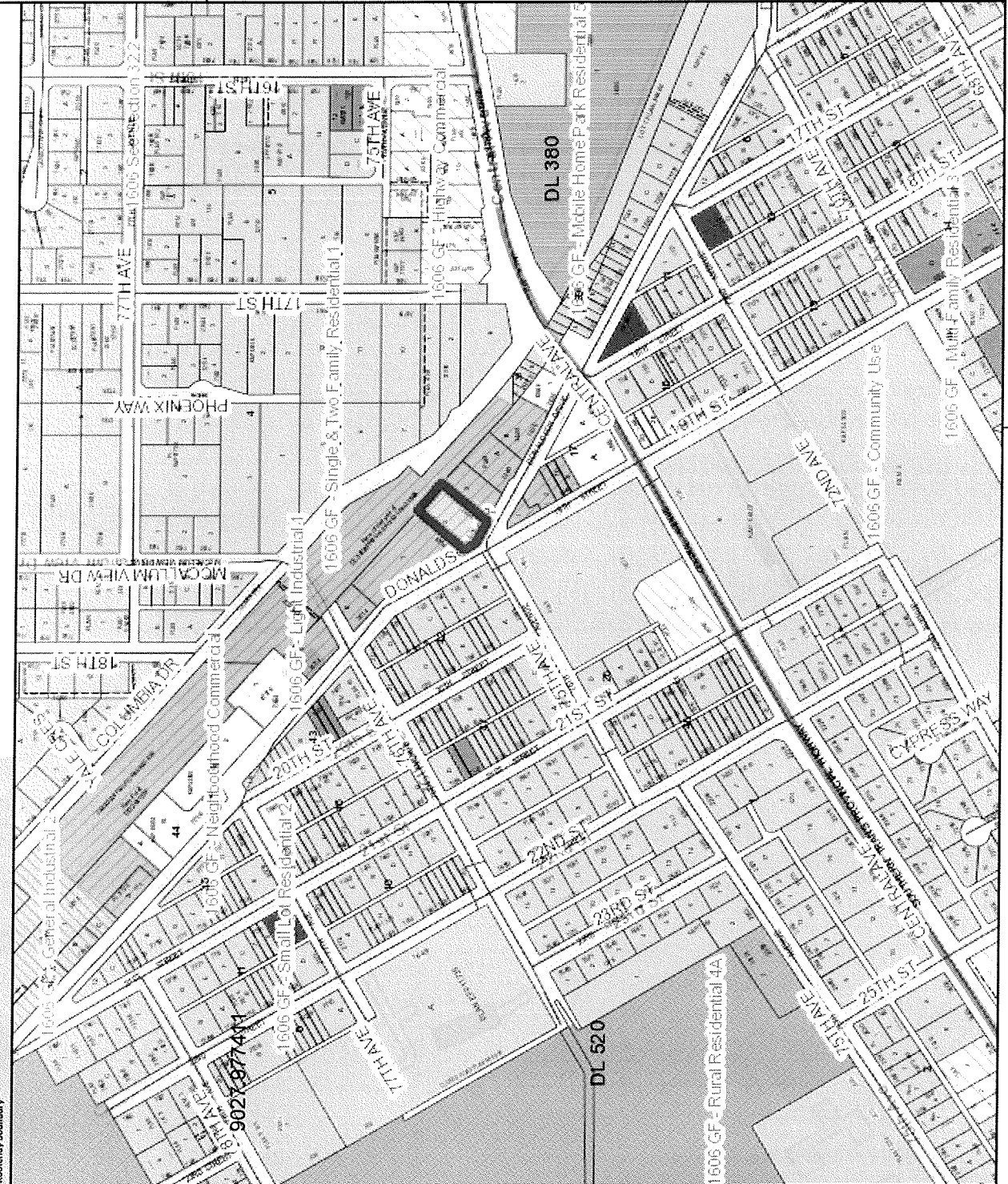
Total distance: 61.74 m (202.55 ft)

This is Exhibit "I" referred to in the
affidavit of Alice Hryn
sworn before me at Vancouver, BC
this 5th day of May, 2019
[Signature]
Commissioner for taking Affidavits
for British Columbia



RDKB Internet Mapping

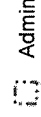
Regional District of Kootenay Boundary
Interactive Mapping System



This is Exhibit "J" referred to in the affidavit of Alice Huynh sworn before me at Vancouver, B.C. this 9th day of May 2019

A Commissioner for taking Affidavits for British Columbia

Legend



Cadastral Lines

- CAD_DISTRICT
- CAD_GAS
- CAD_HIGHWAY
- CAD_HYDRO
- CAD_INTERLINE
- CAD_LOTLINE
- CAD_LOTLINE_EASEMENT
- CAD_LOTLINE_WATER
- CAD_RAILWAY
- CAD_RAILWAY_ABAN
- CAD_ROAD
- CAD_TELEPHONE
- CAD_TOWNSHIP

Miscellaneous Cadastral Lines

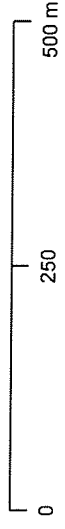
- CADM_AIRSTRIP
- CADM_ARROW
- CADM_BRIDGE
- CADM_DEWDNEY_TRAIL
- CADM_EASEMENT
- CADM_HOOK
- CADM_LEASE_LICENSE

Scale: 1: 7,445

1 cm represents 74.44 m



Notes:



Printed on 05-May-2019

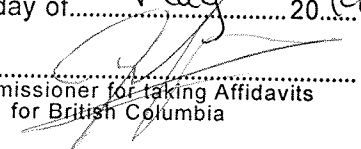
Datum: WGS 84 Projection: Web Mercator

This map is for general information only. The RDKB does not guarantee its accuracy or correctness. All information should be verified.





41
This is Exhibit "K" referred to in the affidavit of Alice Huynh sworn before me at Vancouver, BC this 9th day of May 2019


A Commissioner for taking Affidavits
for British Columbia

April 24th, 2019

Board of Variance, City of Vancouver
Room 112, 1st Floor, City Hall
453 West 12th Avenue
Vancouver, BC V5Y 1R3

Attn: Louis Ng, Gilbert Tan, Denise Brennan, Namtez (Babbu) Sohal, Jasmean Toor and Simona Tudor.

Re: Board of Variance for 2580 Kingsway - DP-2019-0041

Dear Sir/Madam,

I am writing to you as the Landlord of the property located at 2580 Kingsway, which is currently leased to Weeds Glass & Gifts Ltd. I, must admit, that I was, disappointed to hear that the Development Permit was not approved. It seems unfair that the permit was rejected because it was too close to a school. This seems unfair as there are other factors that should be considered that may offset this distance related rejection. As an Owner/Property Manager for over 45 years, (both residential and commercial property), I can honestly say, that "Weeds" has been the best tenant I have ever had. Being my Tenant for over 5 years, they have never been late with the rent, have never complained to me (except when their toilet was plugged}, always kept the adjoining vacant lot free of garbage (I learned later that Don Briere, the proprietor of Weeds, started a regular block clean up by the store staff when garbage was an issue) and most importantly, showed the utmost respect to not only me but others as well. It is known they donate funds resources and their time to many good causes. .

There are 5 residential units above the Weeds and for the past 5 years, I have never received any complaints from them or any other neighbours in the area as it relates to noise or selling to youths.

It will be very difficult to find another tenant as responsible as Weeds. To allow and unknown store in the future to be allowed just because they may be a few meters farther from the school seems unfair. Obviously, if Weeds was to close, it will be a hardship for me to find a tenant as responsible and responsive. I anticipate the community in general will also suffer.

Thank you for your time and consideration. I hope you vote to accept the appeal and award Weeds their development permit..

Yours truly,



Kenneth Sam
Owner 2580 Kingsway
604 649-1580

Ken Sam ♦ 1405 47th Ave. East, Vancouver, BC. V5P 1P5 ♦ Tel 604 649-1580

Monthly Highlight Report



To: Committee of the Whole
From: **Management Team**
Date: June 10, 2019
Subject: Monthly Highlight Report
Recommendation: **THAT the Committee of the Whole receives the monthly highlight report for information.**

Fire Department

General

Calls this month: 30
Year to date calls: 169

- A crew of our firefighters completed three and a half weeks of fire hose testing to ensure compliance with WorkSafeBC regulations.
- Public safety education was comprised of a career day and helmet safety at Hutton Elementary School, fire extinguisher training for home care providers and grease fire safety for Sunshine Valley Community Services. Four fire inspections were completed.
- Notable calls for the month was a pot left unattended on the stove which had the potential to turn into a worse situation. Our crews also attended a wildland fire on Hardy Mountain for two days with the assistance of BC Wildfire Service.
- Four firefighters had the opportunity to attend the BC Volunteer Firefighters' Association 2019 Okanagan Spring Training Seminar hosted by the Lake Country Fire Department
- A review of rope rescue was the focus of Mays' training in addition to workplace training on bullying and harassment.
- Our two groups of recruit firefighters are progressing through their NFPA 1001 level 2 training and successfully completed two more College of the Rockies written exams. Furthermore, one group is in the process of completing the applicable practical evaluations.

Outside Works

General

- Three summer students and three temporary operators started work
- Continued to support the Boundary Flood Recovery Critical Infrastructure and Communications
 - One public meeting, weekly email newsletter,

Capital Projects

- Completed repairs to the campground washrooms
- Ordered the new LED streetlights
- Poured the slab and installed the electrical for the Public Works Fuel Tanks
- Ordered the construction fencing
- Supported the SolarNow Solar Panel Installation
-

Electrical

- Four planned outages for maintenance
- Pruned trees around power lines on Central Avenue and other locations
- Replaced damaged transformer pole
- Installed raptor guards on power lines near landfill
- Replaced more walkway lights with new LED lights
- Relocated AWOS at airport
- Installed two new electrical services
- Continued the condition assessment

Public Works

- Completed one full burial
- Planted the LGMA Tree for the Future in Lois Hagen park
- Opened the campground for the season
- Installed hanging baskets and planters throughout the downtown core
- Inspected the airport hazard beacon sites
- Completed the annual airport PAPI's calibration
- Tony and Earl retired!
- Cleaned and opened the Rotary Spray Park for the season
- Assisted two medivacs

Water and Sewer

- Two sewer main repairs
- Three sewer service repairs or replacements with inspection chambers installed
- Completed water Distribution flushing
- Two water services repair
- Six water meter concern investigations
- Reviewed standard operating procedures

Development and Engineering

General

- Responded to approximately 85 front counter and telephone inquiries and attended about 8 in-person/teleconference meetings with developers.
- Planning and policy support for flood recovery initiatives.
- Planning for economic recovery initiatives.
- Continued implementation of records management and project/task management & tracking.

Capital Projects

- Continued capital projects review and implementation planning.

Current Planning

- Coordinated and assigned addresses for 20 properties.
- Reviewed and coordinated processes and reports for five development / rezoning / temporary use permit initiatives and public hearings and information sessions.
- Prepared servicing agreement for future mobile home park.
- Prepared a lease agreement and a licence of occupation agreement.

Long Range/Policy Planning

- Continuing (to implement the Sensitive Ecosystem Inventory and update the OCP with new environmental management tools).
- Meetings and research/reports on housing initiatives and housing needs assessment.
- Reviewed density requirements in the OCP and Zoning Bylaw for alignment.

Business Licenses

- Continued review of business license bylaw (to update and incorporate special requirements for cannabis store referrals and licensing, sidewalk patios and mobile food vendors, etc.).
- Processed 6 business licence applications.
- Completed City process for review of one cannabis retail licence application and prepared report for submission to the LCRB. Began process for public consultation for one cannabis retail licence application.

Building Inspection and Bylaw Enforcement

General

- Construction season getting into full swing
- Working on messaging to differentiate 'Law' vs. 'Bylaw' enforcement
- Security contractor very busy, including a hike up Observation Mountain!

Bylaw Services

- Relatively quiet reporting period, a few unsightly property and noise complaint issues which are in the process of resolution
- Lawn watering restrictions are a focal point
- 1 deer feeding concern, working on improved signage to 'report offenders'

Building Inspection

Building Permit applications this month: 16

Year to date Building Permit applications: 54

Year to date construction value: \$17,064,804

- Construction consists primarily of renovations to existing commercial and residential properties, as well as residential accessory buildings
- Of note, a permit has been issued for the complete re-construction of a residence which had been destroyed by flooding last year in South Ruckle

Corporate Services

General

- Prepared and facilitated Council Meetings (1 COTW, 2 Regular, 1 In-Camera)
- Prepared weekly summaries/updates (4 summary, 2 updates)
- Corporate Tasks completed: 7
- Human Resources Duties
- Engineering/Public Works review by Innova Strategy Group
- Fee-for-service agreements
- Work on 2018 Annual Report
- CO attended LGMA/MATI Managing People course
- Bylaw Updates
 - Introduction through Final Reading:
 - Smoke- and Vape-Free Places Bylaw
 - Election Bylaw Amendment
- Communications
 - Media releases, social media

Information Technology

- Copier/Printer maintenance
- Airport support
- Continued PC hardware replacement program
- Completed Microsoft Licencing changes for Council and Staff
- IT Tasks completed: 5

Financial Services

General

- 2019 Tax Rates Bylaw adopted May 6
- Completed audit process and preparation of financial statements
- Audited Financial Statements approved by Council May 21
- Completed and submitted SOFI report
- Completed Local Government Data Entry submission for May 15 deadline
- Completed financial sections of CARIP report
- Completed financial sections of Annual Report
- Tax notices sent out in mid-May
- Submitted Red Cross Grant application
- Revised Procurement Policy 802 to COTW July 14
- Reserve fund bylaw (consolidated) to COTW June 10

Boundary Flood Recovery

- Recovery Management completed Recovery Transition Memo on shift to mitigation and implementation of long-term recovery
 - Team Leads presented to Leadership Group on mandate, outcomes, findings and recommendations.
 - Rural Dividend Fund projects initiated through Boundary Flood Recovery Economic Recovery partnerships underway with initiation of Events Coordinator, posting of Economic Development Officer and continued progress on the Community Centre feasibility / scoping discussions.
 - RDKB Emergency Program hosted a workshop with EOC and emergency management staff on the draft Flood Response Plan
 - Boundary Flood Recovery to be featured in gallery 2 (Grand Forks Art Gallery) in an interactive digital map exhibit opening June 7
(<http://www.gallery2grandforks.ca/post-diluvian-data/>)
-

Recommendation

THAT the Committee of the Whole receives the monthly highlight report for information.

Memo



To: Committee of the Whole
From: **Corporate Services**
Date: 2019-06-10
Subject: Review of Parks Access Bylaw No. 2057

Background

Council has received feedback from residents living near George Massie Park regarding the fact that Massie Park was omitted from the list of parks which may not be used for overnight camping or other temporary shelter, and asked Staff to return the Bylaw for discussion.

Massie Park can be added to the bylaw by updating Schedule A, the list of "Parks and Public Spaces where Temporary Shelters are Prohibited".

For discussion, Council should consider the decision of the BC Supreme Court in *Abbotsford (City) v. Shantz*, 2015 BCSC 1909.

Chief Justice Hinkson ruled that [222] "While I accept that the choice to erect an outdoor shelter without permit, when there are other accessible options, is not a fundamental personal choice engaging dignity concerns, I have found that there are, at present, insufficient viable and accessible options for all of the City's homeless."

The Chief Justice paraphrased the decision behind *Victoria (City) v. Adams*, 2008 BCSC 1363: "When the number of homeless people exceeds the number of available shelter beds, does a bylaw that prohibits homeless people from sleeping in public spaces without securing a permit from the City and erecting any form of temporary overhead shelter at night, including tents, tarps attached to trees, boxes or other structure without securing a permit from the City, violate those persons constitutional rights to life, liberty and security of the person under [s. 7](#) of the [Canadian Charter of Rights and Freedoms](#)."

The BC Court of Appeal, in *Adams BCCA* held that: "Thus, the decision did not grant the homeless a freestanding constitutional right to erect shelter in public parks. The finding of unconstitutionality is expressly linked to the *factual finding that the number of homeless people exceeds the number of available shelter beds*. If there were sufficient shelter spaces to accommodate the homeless population in Victoria, a blanket prohibition on the erection of overhead protection in public parks might be constitutional." (Emphasis added)

Under the condition that insufficient shelter space is available, the Courts have shown that *some* space must be available for temporary shelter for overnight accommodation, however limitations requiring removal during the day have been held as acceptable.

With guidance from Council, Staff will prepare an amendment by Bylaw 2057 Schedule A or other changes as requested.

Benefits or Impacts

General

Strategic Impact



[fiscal]



[economic growth]



[community engagement]



[community liveability]

Policy/Legislation

Abbotsford (City) v. Shantz, 2015 BCSC 1909.

Victoria (City) v. Adams, 2008 BCSC 1363

Attachments

Parks Access Bylaw No. 2057 (2019)

THE CORPORATION OF THE CITY OF GRAND FORKS
PARK AND PUBLIC SPACES ACCESS BYLAW NO. 2057
A BYLAW TO REGULATE THE USE OF PARKS, TRAILS,
BEACHES AND BOULEVARDS

The Municipal Council of the Corporation of the City of Grand Forks, in open meeting lawfully assembled, **ENACTS** as follows:

Citation

1. This bylaw may be cited as "**Park and Public Spaces Access Bylaw No. 2057**".

Definitions

2. In this bylaw, unless the context otherwise requires:
 - 2.1 **"At Large"** means any animal in a Park or Public Space, or on private property other than the Owner's property, and not securely leashed and under control of the Owner;
 - 2.2 **"Bylaw Enforcement Officer"** means every person(s) designated by Council as a Bylaw Enforcement Officer for the City or otherwise authorized under the Offence Act, and every Peace Officer;
 - 2.3 **"City"** means the Corporation of the City of Grand Forks;
 - 2.4 **"Council"** means the Council of the City of Grand Forks;
 - 2.5 **"Dog Off-Leash Park"** means any Park within which dogs are permitted to run at large subject to the restrictions established in this bylaw;
 - 2.6 **"Fire and Life Safety Bylaw"** means the Grand Forks Fire and Life Safety Bylaw No. 1965 as amended or replaced from time to time;
 - 2.7 **"Firearm"** means a barrelled weapon of any description from which any shot, bullet or other missile can be discharged. It includes any prohibited weapon, whether a lethal weapon or not.
 - 2.8 **"Highway"** includes a street, road, lane, bridge, viaduct and any other way open for the use of the public but does not include a private right-of-way on private property;
 - 2.9 **"Homeless Person"** means a Person who has neither a fixed address or a predictable residence to return to on a daily basis;

- 2.10 **“Motorized Vehicle”** means any type of vehicle capable of propulsion by an internal combustion or electric motor, but excluding wheelchairs and scooters used as a mobility aid for the disabled, and peddle-assist bicycles;
- 2.11 **“Municipal Ticket Information Bylaw”** means the *City of Grand Forks Municipal Ticket Information Bylaw* No. 1957 as amended or replaced from time to time;
- 2.12 **“Municipality”** means the area within the City boundaries of the City;
- 2.13 **“Owner”**, in respect of any animal, means a person who keeps, harbours, or has temporary or permanent possession of an animal;
- 2.14 **“Park”** means any real property owned or subject to a right of occupation by the City for the purposes of pleasure, recreation, or community uses of the public, including all dedicated public parks, Municipal Hall grounds, or other lands used for public parks, or any playground, sports court or field, public square, beach, boulevard or cemetery within the corporate limits of the City of Grand Forks;
- 2.15 **“Peace Officer”** shall have the same meaning as in the Interpretation Act;
- 2.16 **“Person(s)”** includes any company, corporation, owner, partnership, firm, association, society or party;
- 2.17 **“Property”** means land, with or without improvements, so affixed to the land as to make them in fact and in law, a part of it;
- 2.18 **“Public Space”** means any real property or portions of real property owned or leased by the City to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, the grounds of public facilities or buildings, the Kettle and Granby Rivers’ foreshore, and public parking lots;
- 2.19 **“Temporary Shelter”** means a tent, lean-to, or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard, or other similar non-rigid material, and that covers an area of less than ten (10) square meters.
- 2.20 **“Trail”** means any pathway or trail and all improvements, including all public sections of the Trans-Canada Trail, within the corporate limits of the City of Grand Forks but does not include the travelled portion of a Highway;
- 2.21 **“Vehicle”** means all conveyances for the carriage or transport of persons, passengers, goods, or materials whether self-propelled or drawn or pulled by animals or any mechanical, muscular device, or other motive power whatsoever, and shall include but not limited to Motorized Vehicles, trailers, skateboards, long-boards, bicycles, and tricycles.

Regulations

3. A person shall not enter or be upon or within any Park between the hours of 11:00 p.m. and 6:00 a.m.
4. Notwithstanding Section 3, where there is no accessible shelter accommodation available in the City or in reasonable proximity thereto, a Homeless Person may, without prior written permission of the City, reside in a Park, including erecting and occupying a Temporary Shelter, except in designated Parks listed in Schedule "A" of this bylaw, between the hours of 7:00pm on one day and 9:00am of the following day, provided that the Homeless Person:
 - 4.1 does not erect the Temporary Shelter until after 7:00pm on one day;
 - 4.2 takes down and removes the Temporary Shelter from the Park prior to 9:00am on the following day;
 - 4.3 complies with other provisions of this bylaw;
 - 4.4 does not reside or erect the Temporary Shelter in, on, under, or within:
 - 4.4.1 playgrounds, spray parks or pools;
 - 4.4.2 skateboard parks, tennis courts or other sports courts;
 - 4.4.3 sports fields, stadiums or dugouts;
 - 4.4.4 stages or bleachers;
 - 4.4.5 washroom facilities, picnic shelters, or gazebos;
 - 4.4.6 cemeteries;
 - 4.4.7 pathways or bridges;
 - 4.4.8 Trails, Highways, sidewalks or parking areas;
 - 4.4.9 all other Public Improvements.
 - 4.5 A Temporary Shelter found to be placed, secured, erected, used or maintained between the hours of 9:00 am and 7:00 pm on any Public Space or Park within the City shall be unlawful and subject to enforcement and removal, including any possessions, wastes and other incidental materials.
 - 4.6 Temporary shelters found in any areas described in Section 4.4 shall be subject to immediate removal.
5. A person shall not carry or discharge any Firearms, bow, crossbow, sling-shot, boomerang or other weapon of any description within a Park, school ground or other Public Space under the jurisdiction of the City of Grand Forks.
6. A person shall not take away any gravel, sand, or earth from any part of any Park.

Park and Public Spaces Access Bylaw No. 2057

7. A person shall not throw, deposit, drop, leave or dump any garbage, glass, bottles, cans, litter, ashes, cigarette or cigar butts, refuse, trash, rubbish, or other materials, in any Park, Public Space, or waters adjacent thereto.
8. A person shall not light any fire on or within any Park or Public Space within the Municipality, except in a fireplace or area provided for that purpose and only as permitted by the current Fire and Life Safety Bylaw.
9. A person shall not be on the roof of any building in any Park or Public Space unless that person is an employee or agent of the City of Grand Forks carrying out his or her regular duties.
10. A person shall not be in any building, swimming pool, tennis court, or other enclosure, structure, or facility in any Park except during the hours the said building, swimming pool, tennis court, or other enclosure, structure, or facility is authorized to be used or to be open by the Council.
11. A person shall not break, injure or damage the locks, gates, bolts, fences, seats, benches, buildings, structures, or other property placed in Public Spaces, on boulevards, or in Parks.
12. A person shall not wilfully destroy, mutilate, efface, deface, or remove any sign posted within a Park under this or any other bylaw.
13. A person shall not climb, debark, break, peel, cut, deface, remove, injure, root up, dig or otherwise destroy or damage any tree, box, stake, or guard placed around any tree for the protection of the same, shrubs, flowers, roots, sod or grass planted and/or growing on boulevards, or in Parks or Public Spaces.
14. A person shall not play or practice the game of golf or similar games played with golf clubs and balls in any park, except in areas of a Park that have been designated for the playing and practicing of golf or similar games by the Council.
15. A person shall not cause, allow, or permit pets or other animals to be At Large on any beach, Park, or Public Space within the Municipality.
 - 15.1 A person shall be permitted to allow a dog to be At Large in a Park or Public Space, or portion of a Park or Public Space, which has been designated as a Dog Off-Leash Park.
 - 15.2 An Owner must immediately remove and dispose of, in a sanitary manner, feces left by pets or animals in a Park or Public Space, or on a Trail.

Park and Public Spaces Access Bylaw No. 2057

16. A person shall not ride or drive any horse, in, upon, or through any Park.
 - 16.1 Horses shall be permitted on the Trans-Canada Trail within the corporate limits of the City, with the provision that the Owner of such animal shall comply with section 15.2.
17. A person shall not ride or drive any Vehicle or other mode of conveyance, except for conveyances for the handicapped, children's carriages and strollers, outside of designated access roads, lanes, parking lots, or within designated Parks or Trails.
 - 17.1 Self-propelled vehicles limited to bicycles, trailers pulled by bicycles, roller blades and skateboards shall be permitted provided they are used on designated pathways or roads, are operated in a safe manner, and within any posted speed limits.
18. A person shall not possess or consume alcohol in a Park or Public Space except for special events where Council has approved a liquor license permit.

Offences and Penalties

19. A person who contravenes any of the provisions of this Bylaw shall be subject to a fine as described in the current Municipal Ticket Information Bylaw. A copy of the current schedule pertaining to the Parks Access Bylaw No. 2057 is attached to this bylaw for convenience.
 - 19.1 Where a Bylaw Enforcement Officer or any other officer of the City has reasonable grounds to believe that a person, while in a Park or Public Space, is in contravention of any provision of this bylaw, the Bylaw Enforcement Officer may:
 - 19.1.1 Direct the person to comply with the bylaw; or
 - 19.1.2 Direct the person to leave the Park or Public Space.
 - 19.2 A person who is directed to leave the Park or Public Space shall immediately leave the Park or Public Space and refrain from re-entering for a period of 24 hours or until 7pm the following day whichever is longer."

Exceptions

20. This bylaw shall not apply to officers or employees of the City of Grand Forks or any Emergency Services while exercising their duties.
21. Community Associations/Groups or members of the public may approach the Council of the City of Grand Forks for relaxation of the rules and regulations as listed in this bylaw for a specific special event.
22. The Chief Administrative Officer or designate may at any time permit exceptions to any provision of this bylaw.

Park and Public Spaces Access Bylaw No. 2057

General

23. Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.
24. If any portion of this bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed without affecting the remainder of the bylaw.

Repeal

25. The "City of Grand Forks Parks Access Repeal Bylaw No. 1959-R" shall repeal:
 - 25.1 The "City of Grand Forks Parks Access Bylaw No. 1959"
 - 25.2 The "City of Grand Forks Parks Access Amendment Bylaw No. 1959-A1"
26. The "Off-Highways Vehicles Regulation Repeal Bylaw No. 1682-R" shall repeal:
 - 26.1 The "Off-Highways Vehicles Regulation Bylaw No. 1682"

Read a first, second, and third time by the Municipal Council this 25th day of March, 2019.

Finally adopted on this 8th day of April, 2019.

Mayor -Brian Taylor

Corporate Officer-Daniel Drexler

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2057, cited as the "City of Grand Forks Park Access Bylaw 2057", as passed by the Municipal Council on the 8th day of April, 2019.

Corporate Officer of the Municipal Council of the
City of Grand Forks

SCHEDULE “A”

Parks and Public Space where Temporary Shelters are Prohibited

1. City Park
2. Lois Hagen Park
3. Gyro Park
4. Barbara Ann Park
5. Sugimoto Park

SCHEDULE 5

| COLUMN 1 | COLUMN 2 | COLUMN 3 |
|---|-----------------|-----------------|
| Offence | Section | Fine |
| - In Park between 11:00 p.m. and 6:00 a.m. | 3 | \$ 50.00 |
| - Camping in Park or Public Area / Temporary shelters | 4 | \$ 50.00 |
| - Use of firearms/bow/cross-bow/sling-shot/boomerang/ weapon in park | 5 | \$ 100.00 |
| - Unauthorized removal of gravel/sand/soil | 6 | \$ 100.00 |
| - Littering | 7 | \$ 50.00 |
| - Unauthorized fire on beach or in Park or Public Space | 8 | \$ 50.00 |
| - Vandalism | 11 | \$ 100.00 |
| - Vandalism of sign | 12 | \$ 100.00 |
| - Vandalism of tree | 13 | \$ 100.00 |
| - Unauthorized playing golf in park | 14 | \$ 100.00 |
| - Animal At Large on beach, Park, or Public Space | 15 | \$ 50.00 |
| - Horse in Park green space | 16 | \$ 50.00 |
| - Vehicle in Park or Public Space | 17 | \$100.00 |
| - Possession or consumption of alcohol in a Park or Public Area | 18 | \$ 50.00 |

Request for Decision



To: Committee of the Whole
From: Financial Services
Date: June 10, 2019
Subject: 2018-2022 Financial Plan Amendment
Recommendation: **THAT the Committee of the Whole recommends to Council to give first three readings of the 2018-2022 Financial Plan Amendment Bylaw, No. 2045-A2 at the June 24th, 2019 Regular Meeting**

Background

The five year financial plan for 2018-2022 was amended in September 2018 to reflect changes associated with additional capital project costs as well as emergency expenditures incurred as a result of the flood. At that time, staff revised the financial plan based on its best estimate of flood related expenses and revenue shortfalls, but the final financial impacts were unknown until the 2018 audit process was completed in May 2019.

Although the City did not exceed budgeted expenditures in aggregate for the year 2018, staff is recommending that the financial plan be amended a second time for greater consistency with the audited financial results. The majority of adjustments are required due to emergency response and insured property damage expenses which exceeded the original estimates, and which had offsetting additional revenues. There were also certain items purchased within operating budgets which exceeded the capitalization threshold, and which should be added to the list of capital expenditures in Schedule "C".

Section 165 (2) of the Community Charter allows for the amendment of the annual financial plan at any time "for certainty".

Benefits or Impacts

General

Amending the Financial Plan ensures that the City's additional expenditures are properly authorized and in compliance with provisions of the *Community Charter*.

Strategic Impact



Fiscal Responsibility

- There are no financial implications associated with this amendment.

Policy/Legislation

Five Year Financial Plan Bylaw, 2018-2022, No. 2045
Section 165 (2) of the *Community Charter*

Attachments

Draft 2018-2022 Financial Plan Amendment Bylaw, No. 2045-A2

Recommendation

THAT the Committee of the Whole recommends to Council to give first three readings of the 2018-2022 Financial Plan Amendment Bylaw, No. 2045-A2 at the June 24th, 2019 Regular Meeting

Options

1. THAT Committee of the Whole accepts the recommendation.
2. THAT Committee of the Whole does not accept the recommendation.
3. THAT Committee of the Whole refers the matter back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2045-A2

A Bylaw to Amend the Five Year Financial Plan For the Years 2018 - 2022

Whereas pursuant to Section 165 of the *Community Charter*, "Five Year Financial Plan Bylaw, 2018-2022, No. 2045" was adopted on April 9, 2018, and

Whereas the financial plan may be amended by bylaw at any time;

Now therefore the Council of the Corporation of the City of Grand Forks, in open meeting assembled, enacts as follows:

1. This bylaw may be cited, for all purposes, as the "2018-2022 Financial Plan Amendment Bylaw, No. 2045-A2".
2. Five Year Financial Plan Bylaw, 2018-2022, No. 2045 is hereby amended for the year 2018 only, as set out in Schedules "A", "B" and "C" attached to and forming part of this bylaw.

Read a first, second and third time by the Municipal Council this 24th day of June 2019.

Finally adopted on this 15th day of July, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of the "2018-2022 Financial Plan Amendment Bylaw No. 2045-A2 as adopted by the Municipal Council of the City of Grand Forks on this 15th day of July 2019.

Corporate Officer of the Municipal Council of the
City of Grand Forks

**CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Amendment Bylaw 2045-A2
Schedule “A” Statement of Objectives and Policies**

In accordance with Section 165 (3.1) of the Community Charter, The City of Grand Forks is required to include in the Five Year Financial Plan, objectives and policies regarding each of the following:

1. The proportion of total revenue that comes from each of the funding sources described in Section 165(7) of the Community Charter;
2. The distribution of property taxes among the property classes, and
3. The use of permissive tax exemptions.

Funding Sources

Objective:

- For operations, to maintain annual increases to a level that approximates the annual increase in inflation unless a specific program or project is identified that requires tax revenue funding.
- For capital and fiscal, to review and address annually the long term needs for capital infrastructure.

Policies

- After an initial correction period, ensure that property tax increases remain as stable as possible over time and within 2 percent above inflation.
- Increase utility rates consistently over time, between 3 and 4 percent, to fund the asset management capital reserves.
- Evaluate and set user fees and charges fairly for the services received.
- Set taxes, fees and charges to achieve full cost recovery, where appropriate, for operating costs.
- Periodically review fees and charges to ensure that they account for inflation and changes in the level of service provided.
- Encourage the use of alternate revenue sources instead of property taxes.

| Revenue Source | Amount | % of Total Revenue |
|-------------------------|----------------------|---------------------------|
| Property Value Taxes | \$ 3,922,261 | 21.1% |
| Parcel Taxes | 161,047 | 0.9% |
| Fees and Charges | 8,214,471 | 44.1% |
| Other Sources | 4,143,101 | 22.2% |
| Proceeds from Borrowing | 643,739 | 3.5% |
| Reserve Funding | 1,535,863 | 8.2% |
| TOTAL | \$ 18,620,482 | 100.0% |

Distribution of Property Taxes

Objective:

- To ensure property taxes and rates are sufficient to meet the City’s short and long-term needs.
- To ensure equity among the property classes by reviewing the ratios of property class allocations annually.

Policies:

- Conduct periodic reviews of taxes paid by individual classes.
- Consider tax shifts or redistributions only where a full comprehensive analysis and impact is undertaken.
- Where a tax shift is required, consider a gradual phase-in to allow the properties in the class to adjust their budgets accordingly.
- In establishing property tax rates, take into consideration:
 - The amount of property taxes levied as compared to other municipalities.
 - The property class conversion ratio as compared to other municipalities.
 - The tax share borne by each property class.
 - The tax ratios of each property classification.

The 2018 distribution of property taxes rates among the different classes is as follows:

| Property Class | Rate Multiple | % of Property Value Tax |
|--------------------------|----------------------|--------------------------------|
| 01 Residential | 1.00 | 54.95% |
| 02 Utilities | 8.17 | 1.38% |
| 04 Major Industry | 8.85 | 21.58% |
| 05 Light Industry | 2.93 | 1.45% |
| 06 Business | 2.39 | 20.60% |
| 08 Recreation/Non Profit | 0.80 | 0.03% |
| 09 Farm | 1.08 | 0.01% |
| TOTAL | | 100.00% |

Permissive Tax Exemptions**Objective**

- Optimize the provision of charitable and not for profit services for the benefit of Grand Forks residents.
- Provide property tax exemptions as permitted under the Community Charter in a consistent and fair manner.
- Restrict the provision of exemption to those providing an extension to City services and minimize the impact on City revenues.

Policies

- Grand Forks residents must be primary beneficiaries of the organization's services and the services provided must be accessible to all members of the public.
- In guiding and approving permissive tax exemptions, Council will take into consideration:
 - Not-for-profit occupiers of City property for the duration of their occupancy.
 - Land and improvements surrounding a statutorily exempt building for public worship.

CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Amendment Bylaw No. 2045-A2
Schedule "B" Amended Five Year Financial Plan 2018-2022

| | 2018 | 2019 | 2020 | 2021 | 2022 |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | Budget | Budget | Budget | Budget | Budget |
| Revenues | | | | | |
| Property Taxes | \$ 3,805,740 | \$ 3,918,660 | \$ 4,036,220 | \$ 4,157,307 | \$ 4,282,026 |
| Parcel and Frontage Taxes | 161,047 | 161,226 | 161,226 | 5,826 | 5,826 |
| Grants in Lieu of Taxes | 16,626 | 17,661 | 18,191 | 18,737 | 19,299 |
| Percentage of Revenue Tax | 99,895 | 104,000 | 104,000 | 104,000 | 104,000 |
| Sales of Services and User Fees | 8,214,471 | 7,939,156 | 8,165,690 | 8,399,021 | 8,639,352 |
| Grants | 1,763,412 | 1,039,537 | 1,054,534 | 1,069,670 | 1,084,946 |
| Other Revenues | 2,379,689 | 412,300 | 412,300 | 412,300 | 412,300 |
| Total Revenues | 16,440,880 | 13,592,540 | 13,952,161 | 14,166,861 | 14,547,749 |
| Expenses | | | | | |
| Purchases for resale | 3,806,024 | 3,560,216 | 3,631,420 | 3,704,049 | 3,778,130 |
| General Government | 1,137,070 | 1,371,728 | 1,398,163 | 1,425,126 | 1,452,628 |
| Protective Services | 1,440,421 | 1,004,218 | 970,553 | 935,143 | 953,646 |
| Transportation Services | 1,308,015 | 1,225,341 | 1,249,848 | 1,274,845 | 1,300,341 |
| Environmental & Health Services | 245,383 | 240,868 | 245,685 | 250,599 | 255,611 |
| Public Health Services | 45,435 | 86,519 | 88,249 | 90,014 | 91,814 |
| Planning and Development | 327,647 | 406,768 | 404,173 | 411,726 | 419,430 |
| Parks, Recreation and Cultural Services | 2,448,566 | 1,298,771 | 1,317,520 | 1,309,645 | 1,329,152 |
| Water Services | 663,709 | 787,508 | 803,258 | 819,323 | 835,709 |
| Electrical Services | 521,200 | 688,167 | 701,930 | 715,969 | 730,288 |
| Wastewater Services | 702,991 | 714,477 | 728,767 | 743,342 | 758,209 |
| Amortization | 1,724,781 | 2,102,562 | 2,185,260 | 2,209,366 | 2,239,255 |
| Debt Interest | 134,259 | 188,987 | 163,262 | 161,015 | 160,926 |
| Total Expenses | 14,505,501 | 13,676,130 | 13,888,088 | 14,050,162 | 14,305,139 |
| Surplus (Deficit) for the year | \$ 1,935,379 | \$ (83,590) | \$ 64,073 | \$ 116,699 | \$ 242,610 |
| Adjusted for non-cash items | | | | | |
| Amortization | 1,724,781 | 2,102,562 | 2,185,260 | 2,209,366 | 2,239,255 |
| Total Cash from Operations | \$ 3,660,160 | \$ 2,018,972 | \$ 2,249,333 | \$ 2,326,065 | \$ 2,481,865 |
| Adjusted for Cash Items | | | | | |
| Proceeds from Borrowing | 643,739 | - | - | - | - |
| Capital Expenditures | (2,965,986) | (2,344,000) | (2,259,000) | (2,639,000) | (2,429,000) |
| Proceeds on Disposal of Assets | 239,374 | - | - | - | - |
| Gain on Disposal of Assets | (59,315) | - | - | - | - |
| Debt Principal Repayments | (357,405) | (373,961) | (328,837) | (213,837) | (181,656) |
| Transfer from Reserves | 1,535,863 | 2,344,000 | 2,259,000 | 2,639,000 | 2,429,000 |
| Transfer to Reserves | (2,754,488) | (1,600,000) | (1,900,000) | (2,100,000) | (2,300,000) |
| Transfer from/(to) Operating Surplus | 58,058 | (45,011) | (20,496) | (12,228) | (209) |
| | \$ (3,660,160) | \$ (2,018,972) | \$ (2,249,333) | \$ (2,326,065) | \$ (2,481,865) |
| Financial Plan Balance | \$ - | \$ - | \$ - | \$ - | \$ - |

CORPORATION OF THE CITY OF GRAND FORKS
5 Year Financial Plan Amendment Bylaw No. 2045-A2
Schedule "C" - Amended Five Year Financial Plan 2018-2022

| CAPITAL EXPENDITURES - 2018 | | | FUNDED FROM | | | | | | | | |
|--|------------|-----------|-------------|-----------|------------|---------|---------|--------|---------|---------|---------|
| Description | Fund | Amount | RESERVES | | | | Climate | | Slag | OTHER | |
| | | | Capital | Equipment | Land Sales | Gas Tax | Action | | | | |
| 2017 Carry Forward Projects | | | | | | | | | | | |
| Silver Kettle Sidewalk | General | 154,687 | 154,687 | | | | | | | | |
| Public Works Fuel Tanks | General | 11,073 | 11,073 | | | | | | | | |
| Public Works Upgrades | General | 19,486 | 19,486 | | | | | | | | |
| Public Works - 22nd Street | General | 573,349 | | | | | | | 573,349 | | |
| Wayfaring Signs | General | 11,250 | | | | | | | | 11,250 | |
| Airport AWOS Upgrade | General | 33,921 | 8,480 | | | | | | | | 25,441 |
| Expo Sign changes | General | 11,996 | | | | | | | | 11,996 | |
| Flood Plain Mapping & Risk Assessment | General | 27,340 | 11,634 | | | | | | | | 15,706 |
| 5 tonne Dump Truck | Fleet | 220,062 | | 220,062 | | | | | | | |
| Holder Replacement | Fleet | 6,948 | | 6,948 | | | | | | | |
| Electrical Voltage Conversion | Electrical | 545,615 | 545,615 | | | | | | | | |
| CCTV Sewer Camera | Sewer | 45,457 | | 45,457 | | 3,546 | | | | | 7,091 |
| Wastewater Treatment Plant UV | Sewer | 10,637 | | | | 36,844 | | | | | |
| Headworks Grinder | Sewer | 36,844 | | | | | | | | | |
| Wastewater Treatment Plant Upgrades | Sewer | 645,507 | 109,736 | | | | | | | | 535,771 |
| Sewer Phasing Plan | Sewer | 78,500 | 13,345 | | | | | | | | 65,155 |
| 5th Street Watermain Replacement | Water | 15,551 | | | | 15,551 | | | | | |
| West Side Fire Protection | Water | 65,538 | | | | | | | 70,390 | | (4,852) |
| Subtotal 2017 Carry Forward Projects | | 2,513,761 | 874,056 | 272,467 | 40,390 | 15,551 | - | 23,246 | 643,739 | 649,164 | (4,852) |
| 2018 New Projects | | | | | | | | | | | |
| Data Collection Equipment | General | 5,339 | 5,339 | | | | | | | | |
| Ball Diamond Rebuild to baseball specs | General | 9,789 | 9,789 | | | | | | | | |
| LED Street Lighting | General | 10,300 | | | | 10,300 | | | | | |
| Public Works Upgrades | General | 38,591 | 38,591 | | | | | | | | |
| Replace Crosswalks in City Core | General | 47,472 | | | | 47,472 | | | | | |
| Central Ave Sidewalk Replacement | General | 28,447 | 28,447 | | | | | | | | |
| Bridge Approach Paving | General | 18,789 | | | | 18,789 | | | | | |
| SolarNow Solar Panel Installation | General | 32,500 | | | | | | 18,768 | | | |
| IT & Office Equipment | General | 13,899 | | | | | | | | | 13,899 |
| Flood Plain Risk Management & Protection | General | 53,072 | | | | | | | | | |
| Fleet replacement | Fleet | 19,314 | 19,314 | | | | | | | | |
| Annual Emergency Repair Fund | Various | 112,806 | 51,437 | | | | | | | | 61,369 |
| Shared Property (strata, trailers) Water Meters | Water | 21,869 | | | | 21,869 | | | | | |
| Water service upgrade - City Park, 7th St., etc... | Water | 4,097 | 4,097 | | | | | | | | |
| Airport Water Main Looping | Water | 14,542 | 14,542 | | | | | | | | |
| Sewer Main Relining | Sewer | 1,215 | 1,215 | | | | | | | | |
| Lift Station Pumps | Sewer | 17,344 | 17,344 | | | | | | | | |
| Granby River Force Main Crossing | Sewer | 2,840 | 2,840 | | | | | | | | |
| Subtotal 2018 New Projects | | 452,225 | 192,955 | - | - | 98,430 | 18,768 | - | - | 66,804 | 75,268 |
| TOTAL CAPITAL EXPENDITURES | | 2,965,986 | 1,067,011 | 272,467 | 40,390 | 113,981 | 18,768 | 23,246 | 643,739 | 715,968 | 70,416 |

Request for Decision



To: Committee of the Whole
From: Financial Services
Date: June 10, 2019
Subject: Reserve Fund Establishment Bylaw No. 2060
Recommendation: **THAT the Committee of the Whole recommends to Council to give first three readings of the Reserve Fund Establishment Bylaw No. 2060, 2019 at the June 24, 2019 Regular Meeting**

Background

The current Land Sales Reserve Fund Bylaw includes language which restricts the use of funds from this reserve for the purchase of land to that which is required as part of a capital works project. Staff is proposing that the bylaw be re-written to allow for the funding of land acquired for strategic purposes as well. Section 188 of the *Community Charter* states that money received from the sale of land and improvements must be placed in a reserve and used for "acquiring land, improvements and other assets of a capital nature", and does not limit this to land necessary for capital works.

Staff is also proposing that the various reserve fund bylaws be replaced by a single bylaw for administrative efficiency and easy reference. There are currently nine reserve fund bylaws in effect which can be consolidated into one bylaw. The existing development cost charge reserve funds bylaws are under review for potential revision and therefore have been excluded from this process of consolidation.

The original language from the individual bylaws has for the most part been incorporated into the new bylaw verbatim or with minor changes. In some cases, the wording has been changed for greater consistency with the associated legislation. The significant changes are as follows:

Land Sales Reserve Fund

Purpose

- | | |
|-----------------|---|
| <i>Existing</i> | Any funds to be expended shall be for expenditures for or in respect of capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works. |
| <i>New</i> | To pay any debt remaining in relation to the sold property and/or for the acquisition of land, improvements and other assets of a capital nature consistent with the City's strategic objectives. |

Source of Funds

- 3.1 Added the phrase "except for tax sale proceeds".

Cash-in-lieu of Parking Reserve Fund

Purpose

- Existing*
- a) the provision of new and existing off-street parking spaces and in respect of capital projects for this purpose;
 - b) the acquisition of land or the purchase of machinery and equipment necessary to construct and maintain these off-street parking facilities;
- New* To provide new and existing off-street parking spaces.

Community Works Reserve Fund

Purpose

- Existing* Monies in the "Community Works Reserve Fund" will be solely used for the purposes allowed under the Community Works Fund Agreement
- New* To account for funds received and used pursuant to the Community Works Gas Tax Agreement, and to fund projects in compliance with acceptable uses as defined in the Agreement.

Climate Action Reserve Fund

Purpose

- Existing* Monies in this Reserve Fund and any interest thereon shall be used for the purpose of:
- a) Investing in greenhouse gas emission reduction initiatives that contribute to carbon neutral municipal operations; or
 - b) For the purchase of carbon offsets or other similar measures that may be devised in the future to manage greenhouse gas emissions.
- New* To fund climate action and mitigation projects that promote greenhouse gas reduction, energy conservation, and carbon neutrality, or for the purchase of carbon offsets or other greenhouse gas balancing measures.

General, Electrical, Water and Waste Water Capital Reserve Funds

Purpose

Added "and annual budget" after "as identified in the Asset Management Investment Plan".

Benefits or Impacts

General

The proposed bylaw consolidates reserve funds in alignment with management's objective to modernize bylaws and improve administrative efficiency.

Strategic Impact



Fiscal Responsibility

The proposed changes to the Land Sales Reserve Fund will allow for the strategic purchase of land and not exclusively land which is required as part of a capital project.

Policy/Legislation

Community Charter Section 188

Local Government Act Section 525

Administrative Agreement on the Federal Gas Tax Fund in British Columbia

Attachments

Draft Reserve Fund Establishment Bylaw No. 2060, 2019

Excerpt of Section 188 from the *Community Charter*

Land Sales Reserve Fund Bylaw 2029, 2016

Cash-in-Lieu of Parking Reserve Fund Bylaw No. 1450, 1995 and Amendment to the

Cash-in-Lieu of Parking Reserve Fund Bylaw No. 1759, 2004

Community Works Reserve Fund Establishment Bylaw 2020, 2015

Slag Sales Reserve Fund Bylaw 2027, 2016

Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303

and Bylaw No. 1762 Amendment to the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303

Climate Action Reserve Fund Establishment Bylaw 1989, 2013

Capital Reserve Fund Bylaw No. 1854 and amendment 1854-A1

Capital Reserve Funds Establishment Bylaw 2028, 2016

Recommendation

THAT the Committee of the Whole recommends to Council to give first three readings of the Reserve Fund Establishment Bylaw No. 2060, 2019 at the June 24, 2019 Regular Meeting

Options

1. THAT Committee of the Whole accepts the recommendation.
2. THAT Committee of the Whole does not accept the recommendation.
3. THAT Committee of the Whole refers the matter back to staff for further information.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2060

A BYLAW TO ESTABLISH RESERVE FUNDS FOR THE PURPOSE OF SETTING ASIDE FUNDS FOR OPERATING AND CAPITAL PURPOSES

The Council for the Corporation of the City of Grand Forks, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited for all purposes as the "Reserve Fund Establishment Bylaw No. 2060, 2019".

Reserve Fund Establishment

2. The following reserve funds are established or continued for the purposes specified in the table below:

| Name of Reserve Fund | Purpose of Reserve Fund |
|---|---|
| Land Sales Reserve Fund | To pay any debt remaining in relation to the sold property and/or for the acquisition of land, improvements and other assets of a capital nature consistent with the City's strategic objectives. |
| Cash-in-Lieu of Parking Reserve Fund | To provide new and existing off-street parking spaces. |
| Community Works Reserve Fund | To account for funds received and used pursuant to the Community Works Gas Tax Agreement, and to fund projects in compliance with acceptable uses as defined in the Agreement. |
| Slag Sale Reserve Fund | For expenditures for or in respect of capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works. |
| Machinery and Equipment Purchase and Replacement Reserve Fund | To fund the acquisition or replacement of machinery and equipment. |

CORPORATION OF THE CITY OF GRAND FORKS
RESERVE FUND ESTABLISHMENT BYLAW NO. 2060, 2019

| | |
|----------------------------------|---|
| Climate Action Reserve Fund | To fund climate action and mitigation projects that promote greenhouse gas reduction, energy conservation, and carbon neutrality, or for the purchase of carbon offsets or other greenhouse gas balancing measures. |
| Capital Reserve Fund | To fund capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works. |
| General Capital Reserve Fund | To fund General Fund capital projects as identified in the Asset Management Investment Plan and annual budget. |
| Electrical Capital Reserve Fund | To fund Electrical Fund capital projects as identified in the Asset Management Investment Plan and annual budget. |
| Water Capital Reserve Fund | To fund Water Fund capital projects as identified in the Asset Management Investment Plan and annual budget. |
| Waste Water Capital Reserve Fund | To fund Waste Water Fund capital projects as identified in the Asset Management Investment Plan and annual budget. |

Source of Funds

- 3.1 Except for tax sale proceeds, money received from the sale of land and improvements must be placed to the credit of the Land Sales Reserve Fund.
- 3.2 Money received from cash contributions in lieu of providing off street parking spaces in specified areas must be placed to the credit of the Cash-in-Lieu of Parking Reserve Fund.
- 3.3 Monies received pursuant to the Federal Community Works Gas Tax Agreement must be placed to the credit of the Community Works Reserve Fund.
- 3.4 Slag sale revenue, net of slag expenses, must be placed to the credit of the Slag Sale Reserve Fund.
- 3.5 Amounts received from funding sources related to climate change and emissions reduction programs, including Climate Action Revenue Incentive Program rebates, may be paid into the Climate Action Reserve Fund.
- 3.6 Funds allocated from the annual operating budget or surplus, or from general revenues, may be placed to the credit of any reserve fund established in Section 2.

Investment of Funds

4. Monies set aside in reserve funds, together with interest earned, shall be accounted for separately and until required to be used, may be invested in the manner provided by the *Community Charter*.

Transfer of Funds

- 5.1 Excess amounts held to the credit of the Land Sales Reserve Fund may be transferred to the General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or Waste Water Capital Reserve Fund, but the funds transferred must be used for the acquisition of capital assets.
- 5.2 Monies held to the credit of the Slag Sales Reserve Fund may be transferred to the General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or Waste Water Capital Reserve Fund, but the funds transferred must be used solely for capital projects.
- 5.3 Monies held to the credit of the Capital Reserve Fund may be transferred to the General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or Waste Water Capital Reserve Fund, but the funds transferred must be used solely for capital projects.

Expenditure of Funds

- 6.1 Money in a reserve fund, together with interest earned on the fund balance, must only be used for the purpose for which the fund was established.
- 6.2 Monies placed to the credit of a reserve fund established by this bylaw may be expended by resolution of Council, or as authorized by a bylaw adopted by Council.
- 6.3 All monies shall be expended in accordance with applicable legislation including, but not limited to, the *Local Government Act* and *Community Charter*.

Repeals

7. The following bylaws and any amendments thereto are hereby repealed in their entirety:
 - a) Land Sales Reserve Fund Bylaw 2029, 2016
 - b) Cash-in-Lieu of Parking Reserve Fund Bylaw No. 1450, 1995 and Amendment to the Cash-in-Lieu of Parking Reserve Fund Bylaw No. 1759, 2004
 - c) Community Works Reserve Fund Establishment Bylaw 2020, 2015
 - d) Slag Sales Reserve Fund Bylaw 2027, 2016
 - e) Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303 and Bylaw No. 1762 Amendment to the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303
 - f) Climate Action Reserve Fund Establishment Bylaw 1989, 2013

- g) Capital Reserve Fund Bylaw No. 1854
- h) Capital Reserve Funds Establishment Bylaw 2028, 2016

Severability

8. If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the bylaw.

Read a first, second and third time this 24th day of June, 2019.

Finally adopted this 15th day of July, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

C E R T I F I C A T E

I hereby certify the foregoing to be a true and correct copy of the "Reserve Fund Establishment Bylaw No. 2060, 2019" as adopted by the Municipal Council of the City of Grand Forks on this 15th day of July, 2019.

Corporate Officer of the Municipal Council of the
City of Grand Forks

Establishment of reserve funds

188 (1) A council may, by bylaw, establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund.

(2) If a municipality receives money in respect of any one of the following, the council must establish a reserve fund for the applicable purpose:

(a) money received from the imposition of a development cost charge, which must be placed to the credit of a reserve fund in accordance with section 566 [*use of development cost charges*] of the *Local Government Act*;

(b) money received

(i) from the sale of park land,

(ii) under section 27 (2) (b) [*disposal of park land*], or

(iii) under section 510 (14) [*provision of park land on subdivision*] of the *Local Government Act*,

which must be placed to the credit of a reserve fund for the purpose of acquiring park lands;

(c) money received under section 41 (1) (d) [*disposal of highway property that provides access to water*], which must be placed to the credit of a reserve fund in accordance with that section;

(d) money received under section 525 (2) [*parking space requirements*] of the *Local Government Act*, which must be placed to the credit of a reserve fund for the purpose of providing

(i) off-street parking spaces, or

(ii) transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation;

(e) except for tax sale proceeds, money received from the sale of land and improvements, which must be placed to the credit of a reserve fund for the purposes of paying any debt remaining in relation to the property and of acquiring land, improvements and other assets of a capital nature.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2029

A Bylaw to Establish a Reserve Fund for Money Obtained From the Sale of Land or Improvements

=====

WHEREAS it is provided by Section 188 of the Community Charter that Council may establish a reserve fund for a specified purpose;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This Bylaw may be cited as, "**Land Sales Reserve Fund Bylaw 2029, 2016**"
2. That all monies received from the sale of land and improvements and interest earned on the fund balance shall be placed to the credit of the "Land Sales Reserve Fund".
3. Any funds to be expended shall be for expenditures for or in respect of capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works.
3. Monies held to the credit of the Land Sales Reserve Fund may be transferred to the Capital Reserve, General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or the Waste Water Capital Reserve Fund, but the funds transferred must continue to be used solely for capital projects.
4. The money set aside in this Reserve Fund shall be recorded separately and may be invested in the manner provided by the Community Charter until its use is required.


INTRODUCED this 11th day of April, 2016.

Read a **FIRST** time this 19th of April, 2016.

Read a **SECOND** time this 19th day of April, 2016.

Read a **THIRD** time this 19th day of April, 2016.

FINALLY ADOPTED this 9th day of May 2016.



Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2029, cited as the "Land Sales Reserve Fund Bylaw 2029, 2016".

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1450

A bylaw to establish a reserve fund from the monies received in lieu of providing off street parking facilities.

WHEREAS in accordance with Section 378 of the *Municipal Act*, Council may establish a reserve fund for particular capital projects and land, machinery or equipment necessary for them and extension or renewal of existing capital works;

AND WHEREAS pursuant to Section 378 of the *Municipal Act*, Council may withdraw these monies under certain provisions and conditions;

AND WHEREAS Council is desirous of establishing a cash-in-lieu of parking reserve fund under the conditions and provisions of Section 378 of the *Municipal Act*;

NOW THEREFORE Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. That a reserve fund to be know as **"The Cash-In-Lieu of Parking Reserve Fund"** be established.
2. That all monies received from the cash contributions in lieu of providing off street parking facilities in specified areas shall be placed in this reserve fund.
3. That Council may, by bylaw, adopted by an affirmative vote of at least 2/3rd of all members of Council, provide for the expenditure of any monies in the reserve fund, including interest earned.
4. Any funds to be removed by bylaw shall be for:
 - a) the provision of new and existing off-street parking spaces and in respect of capital projects for this purpose;
 - b) the acquisition of land or the purchase of machinery and equipment necessary to construct and maintain these off-street parking facilities.

5. Any interest earned by this fund shall be added to the fund and become part of the fund.
6. This bylaw may be cited as "**The Cash-in-Lieu of Parking Reserve Fund Bylaw No. 1450, 1995**".

Read a **FIRST** time this 15th day of May, 1995.

Read a **SECOND** time this 15th day of May, 1995.

Read a **THIRD** time this 5th day of June, 1995.

FINALLY ADOPTED this 8th day of August, 1995.

Mayor Yasushi Sugimoto

City Clerk – J. Lynne Burch

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 1450, as passed by the Municipal Council of the City of Grand Forks on the 8th day of August, 1995.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1759

A BYLAW TO AMEND “THE CASH-IN-LIEU OF PARKING RESERVE FUND” BYLAW

WHEREAS, Council may, by bylaw, amend the provisions of the Cash-In-Lieu of Parking Reserve Fund Bylaw;

AND WHEREAS, Council has determined that it is in the best interest of the Municipality to amend the Cash-In-Lieu of Parking Reserve Fund Bylaw to comply with the provisions of the Community Charter;

NOW THEREFORE, Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. That Section 3 of Bylaw No. 1450, cited as “The Cash-In-Lieu of Parking Reserve Fund” be deleted in its entirety.
2. That Section 4 of Bylaw No. 1450, cited as “The Cash-In-Lieu of Parking Reserve Fund”, be deleted in its entirety and replaced with a new Section 4 as outlined below:
 - “4. Any funds to be expended, including interest earned, must be approved by resolution of Council, and shall be for:
 - a) the provision of new and existing off-street parking spaces and in respect of capital projects for this purpose;
 - b) the acquisition of land or the purchase of machinery and equipment necessary to construct and maintain these off-street parking facilities;”
3. That this bylaw may be cited, for all purposes, as the “**Amendment to the Cash-In-Lieu of Parking Reserve Fund**”, Bylaw No. 1759, 2004”.

Read a **FIRST** time this 6th day of December, 2004.

Read a **SECOND** time this 6th day of December, 2004.

Read a **THIRD** time this 6th day of December, 2004.

FINALLY ADOPTED this 13th day of December, 2004.

Mayor Jake Raven

City Clerk – Lynne Burch

C E R T I F I C A T E

I hereby certify that the foregoing is a true copy of Bylaw No. 1759,
as passed by the Municipal Council of the City of Grand Forks
on the 13th day of December, 2004.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2020

A Bylaw to Establish a Reserve Fund for Community Works Funds

=====

WHEREAS it is provided by Section 188 of the Community Charter that Council may establish a reserve fund for a specified purpose;

AND WHEREAS the Corporation of the City of Grand Forks is a signatory to the 2014-2024 Community Works Fund Agreement;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This Bylaw may be cited as, “**Community Works Reserve Fund Establishment Bylaw 2020, 2015**”
2. Net proceeds received from the Union of British Columbia Municipalities under the Community Works Fund Agreement and interest earned on the fund balance shall be placed to the credit of the “Community Works Reserve Fund”.
3. Monies in the “Community Works Reserve Fund” will be solely used for the purposes allowed under the Community Works Fund Agreement.
4. The money set aside in this Reserve Fund shall be recorded separately and may be invested in the manner provided by the Community Charter until its use is required.


INTRODUCED this 17th day of August, 2015.

Read a **FIRST** time this 14th of September, 2015.

Read a **SECOND** time this 14th day of September, 2015.

Read a **THIRD** time this 14th day of September, 2015.

FINALLY ADOPTED this 13th day of October, 2015.



Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2020, cited as the "Community Works Reserve Fund Establishment Bylaw".

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2027

A Bylaw to Establish a Reserve Fund for Money Obtained From Slag Sale Revenues

=====

WHEREAS it is provided by Section 188 of the Community Charter that Council may establish a reserve fund for a specified purpose;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This Bylaw may be cited as, “**Slag Sale Reserve Fund Bylaw 2027, 2016**”
2. That all monies received from the sale of slag, less slag expenses, and interest earned on the fund balance shall be placed to the credit of the “Slag Sale Reserve Fund”.
3. Any funds to be expended shall be for expenditures for or in respect of capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works.
3. Monies held to the credit of the Slag Sale Reserve Fund may be transferred to the Capital Reserve, General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or the Waste Water Capital Reserve Fund, but the funds transferred must continue to be used solely for capital projects.
4. The money set aside in this Reserve Fund shall be recorded separately and may be invested in the manner provided by the Community Charter until its use is required.

INTRODUCED this 11th day of April, 2016.

Read a **FIRST** time this 19th day of April, 2016.

Read a **SECOND** time this 19th day of April, 2016.

Read a **THIRD** time this 19th day of April, 2016.

FINALLY ADOPTED this 9th day of May, 2016.



Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2027,
cited as the "Slag Sales Reserve Fund Bylaw".

Clerk of the Municipal Council of the
City of Grand Forks

The CORPORATION of the CITY
of GRAND FORKS

BYLAW No. 1303

A BYLAW TO ESTABLISH A RESERVE FUND FOR THE PURCHASE
AND REPLACEMENT OF MACHINERY AND EQUIPMENT TO MAIN-
TAIN MUNICIPAL PROPERTY AND TO PROTECT PERSONS AND
PROPERTY

WHEREAS pursuant to Section 378 of the Municipal Act a Council may, by Bylaw, establish a reserve fund for the purchase and replacement of machinery and equipment;

AND WHEREAS it is deemed desirable and expedient to establish a RESERVE FUND for the purchase and replacement of machinery and equipment to maintain municipal property and to protect persons and property;

NOW THEREFORE, the COUNCIL of the CORPORATION of the CITY of GRAND FORKS, in open meeting assembled, ENACTS as follows:

1. There shall be and is hereby established a Reserve Fund under the provisions of Section 378 of the Municipal Act for the purchase and replacement of machinery and equipment to maintain municipal property and to protect persons and equipment.
2. Money from current revenue or, as available, from General Revenue Surplus, or as otherwise provided in the Municipal Act may be paid into said fund from time to time as authourized by Resolution of Council Adopted by at least two-thirds (2/3rds) majority of Council.
3. Appropriations from this Reserve Fund may be authourized by Resolution of Council for the express purpose of purchasing or replacing machinery and equipment from time to time as determined by a two-thirds (2/3rds) majority of Council.
4. This Bylaw may be cited, for all purposes, as the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303.

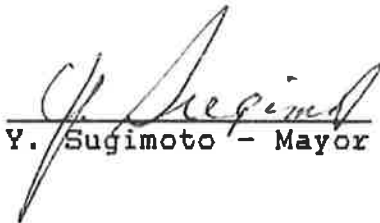
Introduced this 5th day of February, 1990.


Read a FIRST time this 5th day of February, 1990.

Read a SECOND time this 5th day of February, 1990.

Read a THIRD time this 5th day of February, 1990.

RECONSIDERED, PASSED and FINALLY ADOPTED this 19th day of February, 1990.


Y. Sugimoto - Mayor


W. M. Slater - City Clerk

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 1303 as passed by the Municipal Council of the City of Grand Forks on the 19th day of February, 1990.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1762

A BYLAW TO AMEND “MACHINERY AND EQUIPMENT PURCHASE AND REPLACEMENT RESERVE FUND BYLAW NO. 1303”

WHEREAS Council may, by bylaw, amend the provisions of the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303;

AND WHEREAS Council has determined that it is in the best interest of the Municipality to amend the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw to comply with the provisions of the Community Charter;

NOW THEREFORE Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. That Clause 2 of Bylaw No. 1303, cited as “Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303” be deleted in it’s entirety and replaced with a new Clause 2 as outlined below:

“2. Money from current revenue or, as available from General Revenue Surplus, or as otherwise provided, may be paid into the Machinery and Equipment Purchase and Replacement Reserve Fund, as authorized by Resolution of Council.”
2. That Clause 3 of Bylaw No. 1303, cited as “Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303” be deleted in it’s entirety, and replaced with a new Clause 3 as outlined below:

“3. Appropriations from this Reserve Fund may be authorized by Resolution of Council for the express purpose of purchasing or replacing machinery and equipment from time to time.”
2. That this bylaw may be cited, for all purposes, as the “**Amendment to the Machinery and Equipment Purchase and Replacement Reserve Fund Bylaw No. 1303**”.

Read a **FIRST** time this 6th day of December, 2004.

Read a **SECOND** time this 6th day of December, 2004.

Read a **THIRD** time this 6th day of December, 2004.

FINALLY ADOPTED this 13th day of December, 2004.

Mayor Jake Raven

City Clerk – Lynne Burch

C E R T I F I C A T E

I hereby certify that the foregoing is a true copy of Bylaw No. 1762,
as passed by the Municipal Council of the City of Grand Forks
on the 13th day of December, 2004.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1989

A Bylaw to Establish a Reserve Fund for Carbon Neutral Initiatives

=====

WHEREAS it is provided by Section 188 of the Community Charter that Council may establish a reserve fund for a specified purpose;

AND WHEREAS the Corporation of the City of Grand Forks is a signatory to the BC Climate Action Charter which includes the commitment to develop strategies and take actions to achieve carbon neutral operations;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This bylaw may be cited as the **“Climate Action Reserve Fund Establishment Bylaw 1989, 2013.”**
2. Subject to the provisions of the Community Charter and the BC Climate Action Charter, a dollar amount equivalent to the prevailing market value of the City’s annual corporate emissions may be set aside in the annual financial plan and paid into this Reserve Fund.
3. Amounts received from funding sources related to climate change and emissions reduction programs such as Climate Action Revenue Incentive Program (CARIP) funding, may be paid into this Reserve Fund.
4. The money set aside in this Reserve Fund shall be recorded separately and may be invested in the manner provided by the Community Charter until its use is required.
5. Any interest earned by this fund shall be added to the fund and become part of the fund.
6. Monies in this Reserve Fund and any interest thereon shall be used for the purpose of:
 - a) Investing in greenhouse gas emission reduction initiatives that contribute to carbon neutral municipal operations; or
 - b) For the purchase of carbon offsets or other similar measures that may be devised in the future to manage greenhouse gas emissions.

Read a **FIRST** time this 19th day of August, 2013.

Read a **SECOND** time this 19th day of August, 2013.

Read a **THIRD** time this 19th day of August, 2013.

FINALLY ADOPTED this 9th day of September, 2013.

Mayor Brian Taylor

Corporate Officer – Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1989,
cited as the “Climate Action Reserve Fund Establishment Bylaw”.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1854

A BYLAW TO ESTABLISH A RESERVE FUND FOR THE PURPOSE OF CAPITAL PROJECT FUNDING

=====

WHEREAS the Section 188(1) of the Community Charter allows Council, by bylaw, to establish a reserve fund for a specified purpose and direct that money be placed to the credit of the reserve fund; and

WHEREAS capital projects identified in the Five Year Financial Plans of the City may require more than one operating year to finance and complete;

THEREFORE Council for the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This bylaw may be cited, for all purposes, as the “**Capital Reserve Fund Bylaw**”.
2. There shall be and is hereby established a Capital Reserve Fund for the purpose of setting aside funding to be used to complete capital projects after the end of the current fiscal year.

Read for a **FIRST** time this 3rd day of March, 2008.

Read for a **SECOND** time this 3rd day of March, 2008.

Read for a **THIRD** time this 3rd day of March, 2008.

FINALLY ADOPTED this 17th day of March, 2008.

Mayor Neil Krog

City Clerk – Lynne Burch

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No.1854,
cited as the "Capital Reserve Fund Bylaw 1854, 2008",
as passed by the Municipal Council of the Corporation of the City of Grand Forks
on the 17th day of March 2008.

Clerk of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1854-A1

A Bylaw to Amend the Capital Reserve Fund Bylaw No. 1854

WHEREAS Section 188 of the Community Charter authorizes Council to establish reserve funds for specified purposes, and;

WHEREAS Section 189 of the Community Charter authorizes Council, by bylaw, to transfer all or part of the amount to another reserve fund;

NOW THEREFORE, Council for the Corporation of the City of Grand Forks in open meeting assembled **ENACTS**, as follows:

1. This bylaw may be cited, for all purposes, as the “**Capital Reserve Fund Amendment Bylaw No. 1854-A1, 2016**”.
2. That Section 2 be deleted in its entirety and replaced with “There shall be and is hereby established a Capital Reserve Fund for the purpose of setting aside funding to be used for or in respect of capital projects and any land, machinery, or equipment necessary therefore, including the extension or renewal of existing capital works”.
3. That Section 4 be added with the following:

“Monies held to the credit of the Capital Reserve Fund may be transferred to the General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or the Waste Water Capital Reserve Fund, but the funds transferred must be used solely for capital projects.”

INTRODUCED this 11th day of April, 2016.

Read a **FIRST** time this ____ day of _____.

Read a **SECOND** time this ____ day of _____.

Read a **THIRD** time this ____ day of _____.

FINALLY ADOPTED this ____ day of _____.

Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFIED CORRECT

I hereby certify the foregoing to be a true copy of Bylaw No. 1854-A1 as adopted by the
Municipal Council of the City of Grand Forks on the ____ day of _____.

Corporate Officer of the Municipal Council of the
City of Grand Forks

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 2028

A Bylaw to Establish Capital Reserve Funds

=====

WHEREAS it is provided by Section 188 of the Community Charter that Council may establish reserve funds for specified purposes;

NOW THEREFORE, the Council of the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. This Bylaw may be cited as, “**Capital Reserve Funds Establishment Bylaw 2028, 2016**”
2. The Reserve Funds listed in Column 1 of Schedule A are established for the purposes specified in Column 2 of Schedule A.

Transfer of Funds

3. Monies held to the credit of the General Capital Reserve Fund, Electrical Capital Reserve Fund, Water Capital Reserve Fund, or the Waste Water Capital Reserve Fund may be transferred to other Capital Reserves, but the funds transferred must continue to be used solely for capital projects.

Expenditure of Reserve Funds

6. The monies placed to the credit of a reserve fund established by this Bylaw may be expended as expressly authorized by a financial plan bylaw adopted by Council.

INTRODUCED this 11th day of April, 2016.

Read a **FIRST** time this 19th of April, 2016.

Read a **SECOND** time this 19th day of April, 2016.

Read a **THIRD** time this 19th day of April, 2016.

FINALLY ADOPTED this 9th day of May, 2016.



Mayor Frank Konrad

Corporate Officer Diane Heinrich

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2028, cited as the "Capital Reserve Fund Establishment Bylaw 2028, 2016".

Clerk of the Municipal Council of the
City of Grand Forks

CITY OF GRAND FORKS

**BYLAW 2028, 2016
SCHEDULE A**

| Column 1 – Reserve Fund | Column 2 – Reserve Fund Purpose |
|----------------------------------|---|
| General Capital Reserve Fund | For funding General Fund capital projects as identified in the Asset Management Investment Plan |
| Water Capital Reserve Fund | For funding Water Fund capital projects as identified in the Asset Management Investment Plan |
| Electrical Capital Reserve Fund | For funding Electrical Fund capital projects as identified in the Asset Management Investment Plan |
| Waste Water Capital Reserve Fund | For funding Waste Water Fund capital projects as identified in the Asset Management Investment Plan |

Request for Decision



To: Committee of the Whole

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural uses on the 7600 Block of 8th Street (File: ZA1902)

Recommendation: **THAT the Committee of the Whole recommends that Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the Regular Meeting of June 10, 2019; and FURTHER, directs staff to prepare and register a covenant on the subject property to ensure that: a) the wetland/drainage area is protected in perpetuity, b) development will be set back from and not impact the wetland/drainage area and groundwater, and c) farming operations will be conducted in accordance with best practices respecting agricultural activities on sensitive aquifers and near urban areas.**

Background

Overview

The City has received a zoning bylaw amendment application to rezone 4.65 hectares (11.5 acres) from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural buildings and activities and to more accurately reflect the current land use. The applicant wishes to eventually build a barn/shop on the property (which is not allowed under the current R1 zoning).

The site is located at the most northerly extent of 8th Street and has been used as a cultivated hay field for many years. Detailed applicant and site information is provided in Appendix “A”. The proposed Zoning Bylaw Amendment No. 2039-A4 is in Appendix “B”.

Environmental Considerations

Wetland/Drainage Area

Most of the site is classified in the Grand Forks Sensitive Ecosystem Inventory (“SEI”) as a “cultivated field, not sensitive”. However, a wetland area (drainage ditch and associated riparian area) traverses the property from north to south and is part of the City’s natural drainage infrastructure.

In keeping with the City's desire to protect and/or acquire the major components of our interconnected natural drainage and wetland areas, it is proposed that a conservation covenant under Section 219 of the Local Government Act be registered on the property to ensure that the wetland area is protected and formally incorporated into the City's protected area network.

Groundwater Protection

The Grand Forks aquifer is considered to be one of the most important aquifers in British Columbia and is the primary source of drinking water for the region. Certain agricultural practices such as fertilizer and pesticide use have the potential to compromise the quality of the groundwater through run-off and seepage (i.e., as is evidenced by water tests in various wells in the City).

While the owners of this property have a record of sound farming practice, and intend to engage in environmentally friendly agricultural activities, it is prudent that groundwater protection measures be specified in a covenant so that future owners/operators are aware of the requirements.

Urban Interface

This property is located adjacent to established residential areas and the high school. To minimize any land use conflicts between farming and residential, provisions for a minimal buffer area and limits on the keeping of farm animals will be addressed in the covenant.

Estimated Timing

If approved to move forward, the rezoning application may proceed as follows:

| Date | Activity |
|---|--|
| June 10 th | <i>Council considers the Zoning Bylaw Amendment for 1st & 2nd reading.</i> |
| June 12 th & June 19 th | Notice of the Zoning Bylaw Amendment advertised in the Gazette. Property owners within 30m of site notified of public hearing. |
| June 24 th | Public Hearing (6pm in Council Chambers). |
| June 24 th | Council considers Zoning Bylaw Amendment for 3 rd reading (Regular Council meeting 7pm). |
| June 25 th | Zoning Bylaw Amendment forwarded to Ministry of Transportation and Infrastructure (MOTI) for approval/signature. |
| July 15 th | Zoning Bylaw Amendment receives 4 th and final readings. |

Conclusion

Given the environmental and servicing constraints on this site, it is unlikely that single family residential development will occur under the existing R1 zoning in the medium term.

A rezoning to R4 will legitimize the agricultural activities that have been present on the site for many years and will allow the new owners of the site to eventually construct agricultural building(s) to enhance the agricultural use of the site.

Prior to final reading of the zoning bylaw amendment, a conservation covenant will be finalized to protect the existing drainage course on the property, which will contribute to the City's goal of creating a protected area network of drainage/wetlands throughout the City. The covenant will also address groundwater protection and pesticide/fertilizer use and spraying near the urban interface.

In view of the above, it is appropriate that the rezoning bylaw move forward to public hearing.

Benefits or Impacts

Strategic Impact



Community Engagement

- The rezoning proposal and public hearing will be advertised twice in the local paper and land owners within 30 metres of the proposal will be notified.



Community Livability

- Retaining this site as agricultural will serve as a “green” buffer area between the urban areas to the south and Observation Mountain (and associated trail network).



Economic Growth

- The rezoning will take away the potential for subdivision into regular single family lots in the future (about 3 acres would be considered to be developable).



Fiscal Responsibility

- n/a

Policy/Legislation

The Local Government Act, the Official Community Plan, the Zoning Bylaw and the BC Code of Practice for Agricultural Environmental Management.

Attachments

Appendix A: Applicant and Site Information.

Appendix B: Draft Bylaw No. 2039-A4 (Zoning Bylaw Amendment – Rezoning).

Recommendation

THAT the Committee of the Whole recommends that Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the Regular Meeting

of June 10, 2019; and FURTHER, directs staff to prepare and register a covenant on the subject property to ensure that: a) the wetland/drainage area is protected in perpetuity, b) development will be set back from and not impact the wetland/drainage area and groundwater, and c) farming operations will be conducted in accordance with best practices respecting agricultural activities on sensitive aquifers and near urban areas.

Options

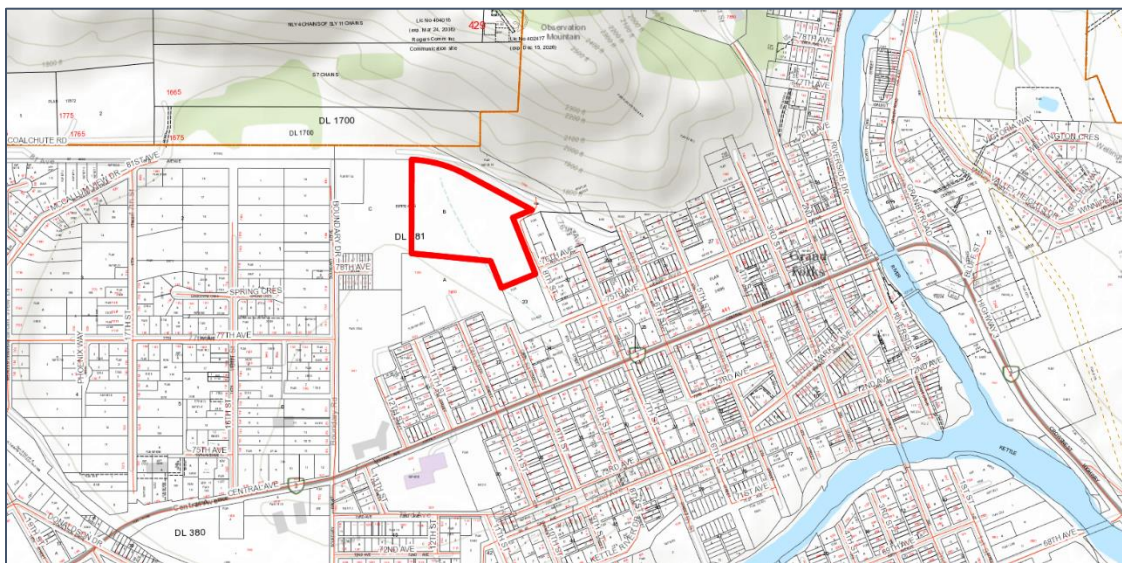
1. THAT Committee of the Whole accepts the report.
 2. THAT Committee of the Whole does not accept the report.
 3. THAT Committee of the Whole refers the matter back to staff for further information.
-

Appendix A: Applicant and Site Information
Zoning Bylaw Amendment Application No. ZA1902
Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential)

Civic Address: 7600 Block of 8th Street.

Legal Description: Lot B, Plan EPP24245, District Lot 381, Land District 54; PID: 028-956-036.

Applicant/Owner: John and Norma Wheeler, PO Box 2042, Grand Forks, BC V0H 1H0.



Proposal: To rezone the subject property (4.65 hectares or 11.5 acres) from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural activities and to more accurately reflect the current land use. The applicant wishes to eventually build a barn/shop on the property (which is not allowed under the current R1 zoning).

Existing Land Use: Wetland, cultivated field. A drainage area/wetland traverses the property.

Adjacent Land Uses: North – old rail bed, natural area, City-owned public works building and Observation Mountain zoned R4; South – house/outbuildings/small farm zoned R1; East – residential zoned R1 and R3A (Clifton Estates); West – vacant wetlands/hay fields/natural areas zoned R1.

Access: Directly off of 8th Street (note: this access road is also used by Public Works to get to a storage building and snow storage immediately north east of this site).

Current Zoning: R1 (Residential – Single and Two-Family) Zone.

Proposed Zoning: R4 (Rural Residential) Zone.

OCP Land Use Designation: Environmental Resource Area (ER).

Development Permit Area: Most of the lot is within the Environmentally Sensitive Development Permit Area ("DPA") and a portion of the site may also be in the flood plain. However, as no development is proposed at this time, a development permit is not required.

Other Policies: Although the site is located in the Environmentally Sensitive "DPA", most of it is classified in the Sensitive Ecosystem Inventory ("SEI") as a "cultivated field, not sensitive". A wetland area (drainage ditch and associated riparian area) traverses the property from north to south and is part of the City's natural drainage infrastructure.

Servicing: There are no water or sewer services and no development is proposed at this time.



Appendix “B”: Draft Bylaw No. 2039-A4

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A4

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

=====

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-A4, 2019**”.
2. Zoning Bylaw No. 2039 is amended as follows:
 - a. The property described as “Lot B, Plan EPP24245, District Lot 381, Land District 54; PID: 028-956-036” and as shown attached hereto as Appendix “A” is hereby R4 (Rural Residential).
 - 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 ____ day of _____, 2019

Approving Officer, Ministry of Transportation

FINALLY ADOPTED this ____ day of _____, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 2039-A4 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

Request for Decision



To: Committee of the Whole

From: **Development, Engineering & Planning**

Date: June 10, 2019

Subject: Proposed Text Amendment to Official Community Plan Residential Density in the Commercial Core Bylaw No. 1919-A3 (FILE: 4750-OCP1901).

Recommendation: **THAT the Committee of the Whole recommends that at the Regular Meeting of June 10, 2019, Council gives first and second reading to Bylaw No. 1919-A3 and directs staff to proceed with the statutory requirements for public notice.**

Background

Overview

Section 3.0 of the Official Community Plan (see Appendix "A") designates general land uses for all properties in the City. Some of these land use designations specify maximum residential density requirements (i.e., in the "Commercial Core" designation it is 60 units per hectare and in the Low Density Residential designation it is 40 units per hectare).

Due to recent inquiries and discussions with housing providers and the development community, it has come to the attention of staff that a change to the Commercial Core density is required to permit future residential development on upper floors in the downtown and to legitimize the existing residential units in existing commercial buildings.

Because the lots downtown are small relative to other areas of the City, the 60 unit per hectare density cap negates virtually any residential development from occurring downtown except for on a few of the larger lots. Further, numerous policies in the Official Community Plan ("OCP") and universal sustainable best practices support encouraging residential and densification in the downtown.

For example, a typical lot on Market Avenue is about 0.04 hectare, which could only accommodate about 1 unit to be built above or behind the commercial space. A typical larger corner lot along Highway No. 3 downtown is about .1 hectare which could only accommodate about 6 units to be built in combination with commercial.

It is noted that in March, 2018, a major amendment to the Zoning Bylaw was enacted which was designed to encourage densification, infill and higher density residential density downtown. Due to the flood and other City priorities, the OCP amendments to align with this zoning bylaw amendment have not been implemented. This is a step toward aligning the two bylaws.

The proposed Bylaw No. 1919-A3 is attached in Appendix “B”.

Conclusion

To bring the OCP into alignment with the Zoning Bylaw with respect to residential density, and to accommodate existing and future residential development in the downtown, it is proposed to eliminate the residential density cap. The use, form and size of buildings can be regulated through height, setbacks and on-site parking regulations in the Zoning Bylaw.

This bylaw amendment also responds to the City’s downtown improvement and economic recovery initiative by encouraging redevelopment and retrofitting commercial buildings. This may, in turn, help attract new businesses to Grand Forks.

Benefits or Impacts

General

Strategic Impact



Community Engagement

- The OCP amendment bylaw will be advertised in the local newspaper and a public hearing will be held to hear any concerns from the community.



Community Livability

- A healthy commercial/residential mix downtown will help to enliven the downtown streets and allow residents to live close to shopping and services. Additional “eyes on the street” at night will help improve nighttime safety.



Economic Growth

- Allowing for residential development on smaller lots may encourage new business to locate downtown and existing business to diversify and add space to their buildings.



Fiscal Responsibility

- Densification in the downtown core will maximize the use of existing infrastructure.

Policy/Legislation

The Local Government Act and the Official Community Plan.

Attachments

Appendix "A": Section 3.0 OCP Land Use Plan

Appendix "B": Proposed Official Community Plan Bylaw Amendment No. 1919-A3, 2019

Recommendation

THAT the Committee of the Whole recommends that at the Regular Meeting of June 10, 2019, Council gives first and second reading to Bylaw No. 1919-A3 and directs staff to proceed with the statutory requirements for public notice.

Options

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



3.0 LAND USE PLAN

This Official Community Plan is a long-term land use plan. It describes the location, intensity and types of land uses within the City of Grand Forks. The Official Community Plan identifies future residential development areas, including areas for preferred density increases. The Plan also indicates preferred areas for commercial concentration and areas where revitalization activities and mixed uses will be encouraged. These land use activities support a more sustainable Grand Forks, by encouraging the use of alternative modes of transportation, maximizing the use and efficiency of the City's infrastructure systems and promoting development within the existing serviced areas.

3.1 Land Use Plan Designations

The Land Use Map (Schedule B) designates the following land uses within the City of Grand Forks:

Agricultural/Rural (AR)

- Includes rural lands within and outside of the Agricultural Land Reserve (ALR), which may or may not currently be under agricultural production. This designation is located primarily southwest of Donaldson Drive. Development may include single family residential and a variety of agricultural and rural uses.

Airport (including runway lands within the Agricultural Land Reserve) (AA)

- This designation, located in southeastern Grand Forks, includes the airport, airport runway and adjacent limited agricultural lands. Development may include airport commercial uses and residential dwellings in conjunction with airport commercial uses.

Low Density Residential (LR)

- This designation is found throughout Grand Forks and includes more traditional residential development, consisting generally of single family dwellings and duplexes, developed to a maximum density of 20 units per hectare.

Medium Density Residential (MR)

- Located generally south of Central Ave/Highway #3 and east of Donaldson Drive, this designation includes a variety of residential developments, such as single family dwellings, duplexes, apartments, townhomes and secondary suites. A maximum density of 60 units per hectare is permitted in this designation.

Mixed Use Commercial/Residential (MU)

- This designation includes a variety of residential, commercial and institutional developments. This results in a range of mixed-use neighbourhoods as well as single-use neighbourhoods. This designation is found primarily at the west end of Grand Forks, south of Central Ave/Highway #3, along Donaldson Drive north of Highway #3 and south of the Core Commercial designation. Development is supported to a maximum density of 40 units per hectare. *[Amended by Bylaw 1919-A2, March 26, 2018].*

Residential Infill/Intensification (RI)

- Within this designation, located in downtown Grand Forks, a variety of residential developments are encouraged including the reuse of older, vacant lands. Development is supported to a maximum density of 40 units per hectare.

Commercial Core (CC)

- This designation includes the heart of the community and accommodates commercial and mixed use development. The Core Commercial area is viewed as the commercial, cultural and administrative centre of Grand Forks.



Development within this designation may occur up to a maximum of 60 units per hectare.

Highway & Tourist Commercial (HT)

- Within this designation, automobile oriented tourist services areas for visitors and residents are encouraged and focused along Central Avenue/Highway #3. Development will consist primarily of commercial and institutional uses. Some residential development may occur where appropriate.

Heritage Corridor (HC)

- This designation is located along Central Ave/Highway #3, immediately west of the Core Commercial area of Grand Forks.

Light Industry (LI)

- This designation is located in strategic locations in Grand Forks, including in the northwest along Donaldson Drive, in the northeast along Granby Road and in the southeast along Sagamore Ave. This designation includes light industrial uses and service commercial uses that can be developed in a manner compatible with adjacent uses.

Heavy Industry (HI)

- Located in the northeast along Granby Road and south of the Kettle River, this designation supports the continued use and development of heavy industrial activities, such as lumber production, log storage and other associated industrial uses.

Institutional (IN)

- Institutional land uses within Grand Forks are located throughout the community. Over time, the types of institutional uses have evolved with the growth and maturation of the community and it is

anticipated that the demand for these types of uses will continue to increase.

Hillside & Resource District (HR)

- Within Grand Forks, this designation is applied to those parts of the City which are largely undeveloped and lacking municipal services, or located on slopes greater than 20%. These areas are generally located along the eastern boundary of Grand Forks and are not to be urbanized until municipal services can be made available, once infilling and densification of other areas has occurred.

Environmental Resource District (ER)

- The Environmental Resource District designation applies to an area located in the northwestern area of the community. Although the ER designation generally allows for uses and densities within the Low Density Residential (LR) designation, this area acknowledges the groundwater and floodplain conditions associated with these lands. Any development in this area will require an Environmental Development Permit to ensure that steps are taken to address the potential groundwater conditions and/or flood hazard.

Park & Open Space (PK)

- This designation encourages recreation and transportation opportunities for local residents and captures the beauty and setting of natural areas, parks and open spaces and trails throughout Grand Forks and along the Kettle and Granby Rivers.

In addition, the form and character of the community is guided by the objectives outlined in a number of Development Permit (DP) Areas. These DP areas are



listed below and described in further detail in the Plan:

Development Permit Areas

- Multiple Housing Residential DP Area
- Hillside Development DP Area
- General Commercial DP Area
- Historic Downtown DP Area
- Environmentally Sensitive Area DP Area
- Light Industry DP Area
- Heritage Corridor DP Area
- Donaldson Drive Transition District DP Area

Each land use designation is guided by the sustainable principles, objectives and policies contained within the appropriate sections of this Official Community Plan.

3.2 How this Plan is Organized

This Official Community Plan is organized to reflect the ten Guiding Principles. Under each guiding principle, the impacted land use designations are identified. The objectives and policies that strive to follow the identified guiding principle in each section are articulated.

A Land Use Plan Designation Policy Chart follows the ten guiding principles. It provides a clear link between the OCP policies and the land use plan designations, and should serve as a useful tool for staff and Council to use in undergoing development review. Also included at the end of the Plan are sections pertaining to sand and gravel resources and plan implementation.



Legend

- Municipal Boundary
- Agriculture/Rural (AR)
- Airport (AA)
- Commercial Core (CC)
- Highway & Tourist Commercial
- Light Industry (LI)
- Heavy Industry (HI)
- Hillside & Resource District (HR)
- Environmental Resource Area (ER)
- Institutional (IN)
- Heritage Corridor (HC)
- Low Density Residential (LR)
- Medium Density Residential (MR)
- Mixed Use Commercial/Residential (MU)
- Residential Infill/Intensification (RI)
- Park & Open Space (PK)

Note: Map pending one minor change - redesignation of 1646 75th Avenue from Highway & Tourist Commercial to Low Density Residential.

This is Schedule 'B' referred to in the City of Grand Forks Sustainable Community Plan.

City Clerk

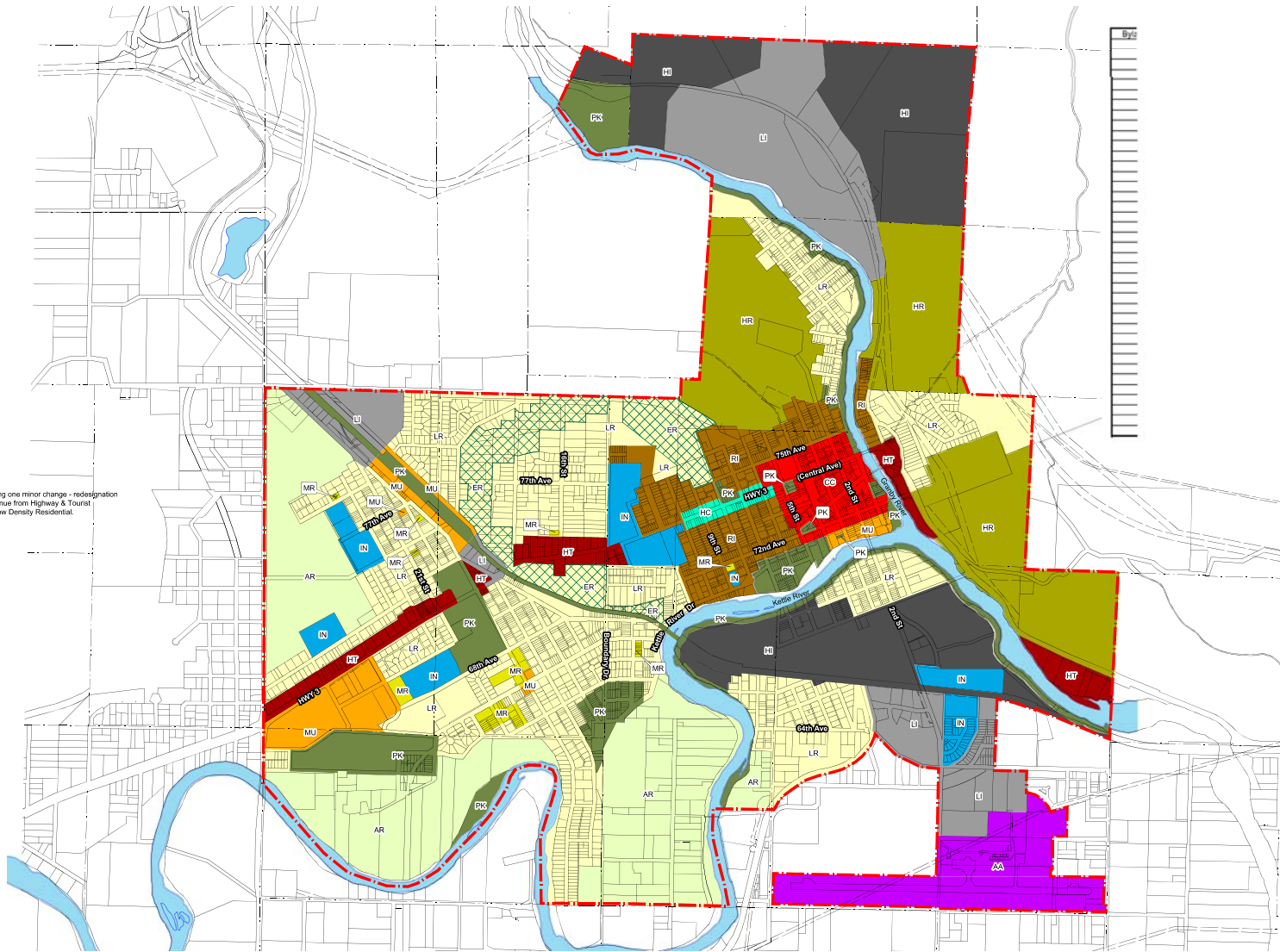
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The accuracy and completeness of information shown on this drawing is not guaranteed. It will be the responsibility of the user of the information shown on this drawing to locate and establish the precise location of all existing information whether shown or not.

Irrespective of what is shown in Schedule B, Land Use designations are deemed to extend to the centreline of the right-of-way



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Schedule 'B' Land Use Map

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1919-A3

A BYLAW TO AMMEND THE CITY OF GRAND FORKS
OFFICIAL COMMUNITY PLAN BYLAW NO. 1919, 2011

=====

WHEREAS Council may, by bylaw, amend the provisions of the Official Community Plan, pursuant to the provisions of the Local Government Act;

AND WHEREAS Council of the Corporation of the City of Grand Forks believes it is in the public interest to amend the provisions of the Official Community Plan;

NOW THEREFORE Council off the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

1. **DELETE** section 3.1

Core Commercial (CC)

- This designation includes the heart of the community and accommodates commercial and mixed use development. The Core Commercial area is viewed as the commercial, cultural and administrative centre of Grand Forks. Development within this designation may occur up to a maximum of 60 units per hectare.

AND REPLACE with section 3.1

Core Commercial (CC)

- This designation includes the heart of the community and accommodates commercial and mixed use development. The Core Commercial area is viewed as the commercial, cultural and administrative centre of Grand Forks.

2. That this bylaw may be cited as the “**City of Grand Forks Official Community Plan Bylaw Amendment No. 1919-A3, 2019**”

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

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

PUBLIC HEARING NOTICE ADVERTISED this day of , 2019
AND this day of , 2019.

PUBLIC HEARING HELD 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 _____day of _____ , 2019

Approving Officer, Ministry of Transportation

FINALLY ADOPTED this ____day of _____, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

C E R T I F I C A T E

I hereby certify the foregoing to be a true copy of Bylaw No. 1919-A3 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

Memo



To: Committee of the Whole
From: **Boundary Flood Recovery**
Date: 2019-06-10
Subject: Boundary Flood Recovery transition to flood mitigation and long-term recovery

Summary

Recovery management provided a memo and presentation for discussion with the Leadership Team on the planned transition from Recovery to long term mitigation programs on April 17, 2019. Discussion at the Leadership Team and subsequent discussion with representatives of RDKB Board, Management Team and City Council has confirmed this approach. Team Leads have presented key outcomes, findings and recommendations, and Recovery Management will be preparing a follow-up recommendations report in summer 2019.

Background

Over the last two months recovery management has met with all the personnel and agencies in the recovery team to discuss work plans through the end of funding, identify ongoing recovery needs and elements of their work that intersect with long-term disaster mitigation.

There are three distinct lines of work involving various members of the recovery team: response, recovery and mitigation. These broad 'arcs' of flood hazard management, while clearly intertwined, require different staff capacity, funding arrangements, and governance.

There are multiple ongoing response issues related to extreme erosion, threats to homes, and flood response planning and preparedness. Recovery work is continuing, though it is changing in scope over the next two months as contracts and funding become complete for the team lead positions and attainable recovery initiatives are completed. Mitigation work was initiated with planning and funding applications in summer 2018 and is expected to rise in intensity rapidly over the coming months as funding is confirmed.

In mitigation, specific projects for disaster risk reduction and economic recovery will be under the direction of lead agencies, specifically City of Grand Forks and RDKB, with delivery support from partner and stakeholder organizations depending on the mandate. As the local government emergency program shifts from recovery to mitigation, Boundary Flood Recovery recommends maintaining a collaborative structure to support lead groups in their work and ensure support and consistency across regional issues.

The roles of our key positions will shift in the coming months:

1. Manager positions
 - a. Funding is confirmed through summer 2020 for Manager and Deputy Manager
 - b. Continue in recovery coordination and support role to lead agencies on mitigation, hazard reduction initiatives (DMAF, floodplain mapping, evacuation route planning)
2. Support Staff
 - a. Administration: Continuing part time support role through summer.
 - b. Finance. Has provided essential role of EMBC submissions, EAF tracking and reporting, and finance support. Significant support continues to be required to assist with contracts, EAF review and tracking, and financial reporting to support the recovery managers.
 - c. Planning. Currently funding to extend through summer. Providing GIS, data management, situation reporting, and documentation of Lightship and GIS activities and training of emergency management staff.
3. Team Leads
 - a. Economic. Delivered economic impact assessment, recommendations report, and successful grant applications.
 - i. Documented outstanding unmet needs related to Disaster Financial Assistance, Insurance and impacts on agriculture and small business.
 - ii. With contract complete by end of June, Team Lead will transition back to other roles with Community Futures Boundary and recommendations to rest with local governments and economic development organizations.
 - b. Environmental. Successful leading of complex in-stream projects and debris management and outreach for landowner applicants for section 11's. Currently wrapping up contract with project-based extensions.
 - i. Currently completing Section 11 project support, debris management sites, and McRae Creek project wrap-up.
 - ii. Strong local capacity has been developed in planning and permitting for erosion protection and in-stream works which could be an asset in proposed projects in mitigation.
 - iii. Explore potential role of Boundary Integrated Watershed Service in providing ongoing stakeholder relations and education for long-term flood recovery and floodplain management.
 - c. Housing. Number of challenging lessons learned due to lack of senior government frameworks for housing recovery. Outstanding needs to be identified through planning for housing needs assessment funding.
 - i. The funding for this team lead position has been extended for completion of three housing initiatives:

1. Supporting Mennonite Disaster Services coming to community for 8-10 major repairs or rebuilds through building season with community and volunteer support.
 2. Housing Now Program – Proposal for Canadian Red Cross-funded program to support navigation and technical support for housing options for flood and mitigation affected residents. Program proposal development complete and currently with Red Cross for funding approval.
 3. Non-profit housing capacity building project. Proposal in final refinement with RDKB for submission to Canadian Red Cross to match Urban Matters donation.
 - ii. Recommendation that under mitigation phase, housing transitions to CGF Planning and Development with support from Recovery Manager. Additional planning and capacity building support will be required and sought through granting agencies, economic development funds and other sources.
 - d. Wellness. Providing critical role for support of individual families and businesses through assessments, advocacy and individual recovery plans. There are significant issues present in the flood affected group that need the continued support of case managers.
 - i. Team Lead and Case Management positions will be fully expended by September 1st. Funding has been requested for continued support into 2020. This will support wellness needs associated with flood mitigation proposals
 - e. Evacuation Order Property Case Management – significant effort continues on these files. They are legally, ethically and logistically challenging. While some of the files are being resolved, others continuing and are dependent on DMAF funding outcomes.
 - i. Status of funding for demolition is pending
 - ii. Recommendation to ensure support available to RDKB EM through decisions and funding of options for at-risk properties
 - f. Critical Infrastructure. Transition is already underway to permanent mitigation projects with submission of NDMP and DMAF applications. When funded, mitigation works will be undertaken as part of capital projects program in the City, in collaboration with RDKB on rural area projects. Pending funding, project management support will enable lightening of management burden on City staff and recovery management.
4. Governance

- a. BFRE Transition from leadership and coordination role to collaborative support and advocacy role by fall 2019. Leadership Team to discuss governance options to formalize ongoing support.
 - b. Each Team Lead provided a Recovery Recommendations Report as a memo and presentation to the BFR Leadership Group in May. Topics:
 - i. What has been accomplished under flood recovery?
 - ii. Who is carrying forward resulting actions / outcomes?
 - iii. What has not been accomplished?
 - iv. What are outstanding needs, and recommendations for fulfilling them?
 - v. Who might be the lead agencies and stakeholders to carry forward outstanding needs and recommendations?
 - c. BFR Management will prepare a response and summary, highlighting issues requiring decisions, advocacy, or action by RDKB Board / City and local government Councils or external organizations. This report will excerpt or append Team Lead reports to create a concise and action-oriented Recovery Plan to inform ongoing priorities.
 - d. Office lease is up by end of September, 2019. Recommend not renewing as team requiring the space is much smaller. Office space is available at CGF public works and remaining team can use meeting space at City, CFB, BFS, or RDKB as needed.
-