



The Corporation of the City of Grand Forks

Regular Meeting

AGENDA

Meeting #: R-2019-11
Date: Monday, June 10, 2019, 7:00 pm
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

1. CALL TO ORDER

2. ADOPTION OF AGENDA

- a. Adopt agenda
June 10, 2019, Regular Meeting agenda

Recommendation

THAT Council adopts the June 10, 2019, Regular Meeting agenda as presented.

3. MINUTES

- a. Adopt minutes - Public Hearing and Public Feedback
May 6, 2019, Public Hearing and Public Feedback Meeting minutes

5 - 10

Recommendation

THAT Council adopts the May 6, 2019, Public Hearing and Public Feedback Meeting minutes as presented.

- b. Adopt minutes - Regular
May 21, 2019, Regular Meeting minutes

11 - 21

Recommendation

THAT Council adopts the May 21, 2019, Regular Meeting minutes as presented.

- c. Adopt minutes - Public Hearing
June 5, 2019, Public Hearing Meeting minutes

Minutes to follow later as an addendum.

Recommendation

THAT Council adopts the June 5, 2019, Public Hearing Meeting minutes as presented.

4. REGISTERED PETITIONS AND DELEGATIONS

- a. Various Residents
Concerns regarding traffic on 75th Avenue between 1st and 7th Streets

22 - 23

Recommendation

THAT Council receives the letter and petition from various residents regarding concerns on 75th Avenue between 1st and 7th Streets for information.

5. UNFINISHED BUSINESS

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

- a. Reports of Council
Councillors

24 - 25

Recommendation

THAT all reports of Council at the June 10, 2019, Regular Meeting be received.

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

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

26 - 26

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

Recommendation

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

8. RECOMMENDATIONS FROM STAFF FOR DECISIONS

- a. Proposed Subdivision, Rezoning and Consideration of approx. 0.5 hectares for parking lot expansion at Hutton School
Development, Engineering & Planning

27 - 57

Recommendation

THAT Council gives Fourth (final) reading to Zoning Bylaw Amendment No. 2039-A5.

- b. Donaldson Drive repairs
Outside Works

58 - 60

Recommendation

THAT Council approves \$25,000 for the "Donaldson Drive Repair" Project; and
THAT Council reduces the "Expo Sign Changes Project" budget by \$17,000; and
THAT Council reduces the "Construction Fencing Project" budget by \$8,000; and
THAT Council directs staff to amend the five-year financial plan bylaw to include the amendments above.

- c. Capital Budget Amendment – Three Phase Service Upgrade 19th St
Outside Works

61 - 63

Recommendation

THAT Council approves the 19th St. Three-Phase Service Upgrade Project budget of \$105,000 and directs staff to include it in the Five-Year Financial Plan.

- d. Development Variance Permit No. DVP1901 Proposed Non-Medical Cannabis Retail Store Licence at 7500 Donaldson Drive
Development, Engineering & Planning 64 - 130

Recommendation

THAT Council directs 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.

- e. Final Approval - Temporary Use Permit – Day Parking Lot for Cannafest 2200 Block of 68th Avenue
Development, Engineering and Planning 131 - 136

Recommendation

THAT Council grants a Temporary Use Permit for a Day Use Parking Lot on lands zoned R1 – Single and Two Family Residential, located on the 2200 Block of 68th Avenue; legally described as Parcel Z, Plan KAP35, District Lot 380, Land District 54, Except Plan 10223, KAP47308 and KAP56956; PID 008-286-701.

9. REQUESTS ARISING FROM CORRESPONDENCE

- a. Horizon North
Letter of request for permission to locate site office trailers off of 70th Avenue 137 - 137

Recommendation

THAT Council approves permission for Horizon North to temporarily locate site trailers off of 70th Avenue and 19th Street for approximately four months from June-October.

10. INFORMATION ITEMS

- a. Grand Forks RCMP
Quarterly Stats for January, February, and March 2019 138 - 139
- b. UBCM
2019 resolutions endorsed at the AKBLG 140 - 144

11. BYLAWS

- a. Bylaw 1919-A3 - Proposed Text Amendment to Official Community Plan Residential Density in the Commercial Core
Development, Engineering and Planning 145 - 154

Recommendation

THAT Council gives first and second reading to Bylaw No. 1919-A3 and directs staff to proceed with the statutory requirements for public notice.

- b. Bylaw 2039-A2 - Final 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
Development, Engineering and Planning 155 - 175

Recommendation

THAT Council gives final reading to Bylaw No. 2039-A2.

- c. Development Permit Application – Environmentally Sensitive Area on North Boundary Drive, Proposed Mobile Home Park and Ecological Reserve
Development, Engineering and Planning 176 - 187

Recommendation

THAT Council approves Development Permit Application No. DP1904 for a mobile home park and protection of an ecological reserve area on the 8000 block of Boundary Drive, legally described as Lots 16, 17 and 18, Block 1, Plan KAP586, District Lot 380, Land District 54.

- d. Bylaw 2039-A4 - Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural uses on 7600 Block of 8th Street
Development, Engineering and Planning 188 - 199

Recommendation

THAT Council gives first and second reading to Zoning Bylaw Amendment No. 2039-A4.

Recommendation

THAT Council 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.

- e. Bylaw 2039-A6 - Third Reading, Rezoning from R1 – Residential to CD – 2 Comprehensive Development – City Owned Lots A, B, C and D on 70th Avenue
Development, Engineering and Planning 200 - 208

Recommendation

THAT Council, after due consideration of community input and results of the Public Hearing, considers Zoning Bylaw Amendment No. 2039-A6 for third reading.

12. LATE ITEMS

13. QUESTIONS FROM THE PUBLIC AND THE MEDIA

14. ADJOURNMENT



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

PH2019-02

Monday, May 6, 2019, 6:00 pm

7217 - 4th Street, City Hall Council Chambers

Present:

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

Staff:

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

GALLERY

1. Call to Order

Mayor Taylor called the May 6, 2019, Public Hearing to order at 6:00 pm.

Councillor Thompson read the introductory statement:

(a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend the City of Grand Forks - Official Community Plan Bylaw No. 1919 and/or Zoning Bylaw No. 2039.

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

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after April 24, 2019 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

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

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

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

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

2. Notification of Meeting

3. Individual Bylaw Submissions

- a. 2019-05-06-ZA1903-2575-75thAve_Hutton_PH

Development, Engineering & Planning

The Manager of Development, Planning, and Engineering reviewed the application, which had previously been presented to Council.

No members of the Gallery spoke with regards to this permit.

4. Adjournment

The May 6, 2019, Public Hearing was adjourned at 6:16 pm.

Mayor Brian Taylor

Dep. Corporate Officer – Kevin McKinnon



The Corporation of the City of Grand Forks
Public Feedback Session
MINUTES

PF2019-02

Monday, May 6, 2019, 6:00 pm

7217 - 4th Street, City Hall Council Chambers

Present:

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

Staff:

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

GALLERY

1. Call to Order

Mayor Taylor called the May 6, 2019, Public Feedback Session to order at 6:16 pm.

Councillor Thompson read the introductory statements:

(a) The purpose of this Session is to consider applications made to City Council and to hear public feedback with regard to those applications.

(b) All persons who believe that their interest in property within the boundaries of the City is affected by the application(s) shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the application(s) that are the subject of this Session. No one will be or should feel discouraged or prevented from making their views known. This Session 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 application(s) have been made available to the public. The correspondence and petitions received after April 24, 2019 (date of notification) are available for inspection during the course of this Session 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 application(s) with individual citizens or with each other at this Session.

(e) Council debate on the proposed application(s) is scheduled to take place during the next Regular Council meeting after the conclusion of this Session. 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 Session.

(g) During a Public Feedback Session, 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 Application Submissions

a. 2019-05-06-BL-RCAN01-7439_3rd_St_Cannabis_Retail_

Development, Engineering & Planning

Annette MacArthur spoke on behalf of the applicant, highlighting the security and safety features of other locations operated by the proponent and how they exceed minimum mandated requirements.

Discussion with Council included:

- further information about the security cameras attached in the area,
- potential future use of vending machines, which would be subject to regulatory approval,
- the location of the nearby 4th Street Dance Studio, due to the youth program operated there,
- the application of the proposed Smoke- and Vape-Free Places bylaw,
- signage, accessibility, and parking.

From the gallery, Tammy Varabioff and Rebecca Maclean spoke in support of the application.

4. Adjournment

The May 6, 2019, Public Hearing was adjourned at 6:34 pm.

Mayor Brian Taylor

Dep. Corporate Officer – Kevin McKinnon



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

Meeting #: R-2019-10
Date: Tuesday, May 21, 2019, 7:00 pm
Location: 7217 - 4th Street, City Hall Council Chambers

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

Staff: Diane Heinrich - Chief Administrative Officer
Daniel Drexler - Corporate Officer
Kevin McKinnon - Deputy Corporate Officer
Dolores Sheets - Manager of Development & Engineering Services
Juliette Rhodes - Chief Financial Officer
David Reid - Manager of Operations
Wendy Whelen - Planning Technician

GALLERY

1. CALL TO ORDER

Mayor Taylor called the May 21, 2019, Regular Meeting to order at 7:00 pm.

2. **ADOPTION OF AGENDA**

- a. Adopt agenda

May 21, 2019, Regular Meeting agenda

Resolution #: R172/19/05/21 MOVED/SECONDED

THAT Council adopts the May 21, 2019, Regular Meeting agenda as presented.

Carried

3. **MINUTES**

- a. Adopt minutes - Regular

May 6, 2019, Regular Meeting minutes

Resolution #: R173/19/05/23 MOVED/SECONDED

THAT Council adopts the May 6, 2019, Regular Meeting minutes as presented.

Carried

- b. Adopt minutes - Special

May 10, 2019, Special Meeting minutes

Resolution #: R174/19/05/23 MOVED/SECONDED

THAT Council adopts the May 10, 2019, Special Meeting minutes as presented.

Carried

- c. Business Arising from the Minutes

- A request to bring the Parks Access bylaw 2057 back for amendment.
- A request for an update on the Electric Vehicle charging policy. Council was advised that the policy may be tied into the Electrical Master Plan, but an update on the process should be available at the Committee-of-the-Whole meeting on June 10.

Resolution #: R175/19/05/21 MOVED/SECONDED

THAT Council direct Staff to bring forward an amendment to the Parks Access bylaw No. 2057 to ADD George Massie Park to the list of parks in Schedule A.

Carried

4. REGISTERED PETITIONS AND DELEGATIONS

a. Perley School Re-Wilding Project

Sharon Peron / Perley School

Sharon Peron presented her vision for the Rewilding Project at Perley School and explained why the City is being approached to join the other sponsor organizations.

Council asked staff to confirm:

- Estimated cost, approximately \$8,000,
- That the water service will be metered,
- That about half of the estimated cost is materials, the other half labour, which would come out of the Public Works operating budget without an amendment being required.

Resolution #: R176/19/05/21 MOVED/SECONDED

THAT Council direct Staff to proceed with the installation of the water service to the Perley Re-wilding project, to be funded from the Public Works operating budget.

Carried

5. UNFINISHED BUSINESS

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

a. Reports of Council

Councillors

Council read highlights from their submitted reports, which included discussion of meetings attended and the various housing projects and committees currently active in the area.

Resolution #: R177/19/05/21 MOVED/SECONDED

THAT all reports of Council at the May 21, 2019, Regular Meeting be received.

Carried

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

a. Verbal Report - RDKB Representative

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

Read the RDKB agendas here:

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

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

The Mayor spoke of the regional housing survey grant which is being sought by the RDKB, and also that the concept of a development corporation, controlled by both the City and RDKB, is being considered which could offer a variety of supports for joint projects like the proposed Community Centre.

Resolution #: R178/19/05/21 MOVED/SECONDED

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

Carried

8. RECOMMENDATIONS FROM STAFF FOR DECISIONS

a. 2018 Statement of Financial Information

Chief Financial Officer

The CFO presented the SOFI information and addressed the mandatory schedules which must be met.

Discussion included:

- that remuneration listed includes significant flood-related overtime which was reimbursed by the Province,
- clarification on some of the suppliers listed in the report.

Resolution #: R179/19/05/21 MOVED/SECONDED

THAT Council receives the 2018 Statement of Financial Information Report.

Carried

Resolution #: R180/19/05/21 MOVED/SECONDED

THAT Council accepts and approves the statements and schedules included in the 2018 Statement of Financial Information, including the 2018 Audited Financial Statements, as presented.

Carried

b. LED Streetlight Capital Project Budget Amendment

Operations

The Operations Manager spoke of need to increase the LED street lighting capital budget. He noted that two other projects are under budget and will balance out the requisition. The capital plan will change the allocation of funds but not require additional funds.

Discussion ensued:

- A consultant was involved in the evaluation of the RFP for the LED upgrade project.
- 43 additional light heads will be added to the 590 already in service as a result of an independent lighting audit.
- The lighting audit considered intersections in the calculations.

Resolution #: R181/19/05/21 MOVED/SECONDED

THAT Council approves an increase of the LED Streetlight capital project budget by \$50,000, a decrease of the Public Works Fuel Tanks project budget by \$10,000, a decrease of the Wayfinding Signs project budget by \$40,000, and directs staff to amend the Five-Year Financial Plan Bylaw to include these changes.

Carried

c. Wastewater Treatment Facility (WWTF) Upgrades Project

Development, Engineering & Planning

Scott Shepherd and Peter Gigliotti from Urban System provided a background on the WWTF project. They advised:

- Ultra-Violet treatment is more cost effective than other methods of treating waste water.
- The UV upgrade was 2/3 covered by a grant, but has not been installed yet due to combining projects to achieve total-cost savings.
- The projects were tendered together, but will be invoiced separately so costs can be accurately reported to the grantors.
- An estimated \$170,000 increase to move the project out of the flood zone has been verbally approved by the grantors but not received in writing yet.
- Including project management and contingencies, a project deficit of \$380,000 is present should the project be awarded to the low bidder, Maple Reinders.
- There are two funded projects open (Municipal Wastewater Regulations discharge, and National Disaster Mitigation Plan) which will not require the total funded amount which could be re-allocated to cover the deficit on the WWTF project.
 - The City was unsuccessful in the bid for an NDMP grant, so the City portion will not be required for grant matching.

Resolution #: R177/19/05/21 MOVED/SECONDED

THAT Council approves funding for the budget deficit of \$400,000 for completion of the WWTF Upgrade Project through reallocation of project funding in the 5 Year Financial Plan as follows:

- 1) Reduce the MWR requirements by \$100,000.00**
- 2) Reduce the National Disaster Mitigation Plan by \$300,000.00**

Carried

- d. Cannafest Music Festival Ltd Non-Medical Cannabis Retail Store Licence Application

Development, Engineering & Planning

Council discussed the history of youth-centered activity in the original zoning bylaw, and was advised the definition was intended for facilities specifically designed for children.

- Previous council did not include commercial facilities where children may be present, but only considered dedicated spaces like parks.
- No specific risk was identified.

Resolution #: R183/19/05/21 MOVED/SECONDED

THAT Council receives the report for a POSITIVE recommendation for the Non-Medical Cannabis Retail Store Licence Application from Cannafest Music Festival Ltd. at 7439 - 3rd Street.

Carried

Resolution #: R184/19/05/21 MOVED/SECONDED

THAT Council approves the operating hours from 9:00 am to 9:00 pm daily, for the Non-Medical Cannabis Retail Licence store to be operated at 7439 - 3rd Street.

Carried

- e. UBCM Grant Opportunity – Housing Needs Reports Program

Development, Engineering & Planning

The Manager of Development, Engineering, and Planning gave an overview of the combined grant that the RDKB was applying for, using collective funding allocated to member municipalities.

Council discussed:

- multiple housing grants which have been applied for,
- the need to sit down and speak about housing as part of strategic planning.

Resolution #: R185/19/05/21 MOVED/SECONDED

THAT Council supports the Regional District of Kootenay Boundary applying to the Union of BC Municipalities (UBCM) and to receive and manage a grant to hire a consultant(s) to conduct Housing Needs Reports in the Kootenay and Boundary areas.

Carried

9. REQUESTS ARISING FROM CORRESPONDENCE

10. INFORMATION ITEMS

11. BYLAWS

- a. Bylaw 2042-A1 – Elections Amendment

Corporate Services

Discussion of the amendment include concern of deleting an early voting opportunity, and that in the last election the City was the only one of the three local bodies which had a second advanced poll.

Resolution #: R186/19/05/21 MOVED/SECONDED

THAT Council gives the first three readings to the proposed General Local Government Election Amendment Bylaw No. 2042-A1.

Opposed (1): Zielinski

Carried

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

Corporate Services

Discussion on the bylaw included:

- Signage and identifying where smoking would be allowed.
- Concern about not having smoking areas designated prior to passing the bylaw.

Resolution #: R187/19/05/21 MOVED/SECONDED

THAT Council gives the first three readings to the proposed Smoke- and Vape-Free Places Bylaw No. 2054.

Carried

- c. Bylaw 2039-A6 - Proposed Rezoning from R1 (Residential – Single & Two Family) to CD-2 (Comprehensive Development 2) Zone to accommodate a supportive housing development on the 2000 block of 70th Avenue

Development, Engineering and Planning

Councillor Eburne-Stoodley recused himself from discussion on the matter.

Discussion on the proposed rezoning included:

- an explanation that passing first and second readings triggers the public process according to the scheduled attached,
- that the previous council met with BC Housing (BCH) at UBCM to express concern about the chosen location at the east entrance to town. Council proposed alternate locations, but the lots on 70th Avenue were the only location which BCH expressed interest in.
- a request for staff to provide costs on servicing the properties, to be prepared in time for the public hearing.
 - an approximate cost of \$500,000 has been reported.
- support for the first two readings in order to trigger the public hearing process.
- a request to add the definition of "supportive housing" to the zoning amendment.
 - a previous document included a definition which will be copied forward into this amendment.
- the need for an in-depth review of the Official Community Plan (OCP) and Zoning bylaw.

Resolution #: R188/19/05/21 MOVED/SECONDED

THAT Council gives first and second reading to Zoning Bylaw Amendment No. 2039-A6.

Opposed (1): Taylor

Carried

12. LATE ITEMS

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

From the Gallery, Scott Davies, Neil Macgregor, Nigel James, Al Olson, Lizanne Eastwood, James Tyler, Larry White, Darcy Skerritt, and Wayne Kopan spoke regarding Bylaw 2039-A6.

Discussion included:

- concern about how BC Housing selects occupants for their projects,
- the proximity of the supportive housing project to the womens shelter,
- clarification of "low-barrier", which at other facilities means that alcohol and drugs may be consumed in their residential area, but not in common areas,
- infrastructure costs borne by the City and developer, and the cost of the 2nd street location,
- concern about the timeline of the process,
- safety concerns for the neighbourhood,
- funding for the operation of the facility,
- taxes paid by the developer,
- the workload currently experienced by mental healthcare providers in Grand Forks,
- population density in the immediate area
- the Public Hearing set for June 5 - 3:00pm-6:00pm

Laura Savinkoff, on behalf of the BC Peace Initiative, thanked the Mayor and Council for their letter of support to the Regina Peace Council.

14. **ADJOURNMENT**

The May 21, 2019, Regular Meeting was adjourned at 9:32 pm.

Resolution #: R189/19/05/21 MOVED/SECONDED

THAT the Regular Meeting of Council be adjourned.

Carried

Mayor Brian Taylor

Dep. Corporate Officer – Kevin McKinnon

DRAFT

May 15, 2019



Diane Heinrich, CAO
City of Grand Forks, BC
Box 220
Grand Forks, BC V0H 1H0

RE: Traffic on 75 Avenue between Streets 1st to 7th

Our neighbourhood is very concerned for the many people including seniors using 75th Avenue. It is a very busy avenue used by many going to the park (families with children), enjoying the Riverview walk, visiting the Medical Clinic or shopping downtown.

The seniors and others walking, using electric wheel chairs, electric scooters, bicycles, or tricycles, dog walkers, joggers, residents carrying groceries and having to cross 75th, Boundary Medical Clinic patients parking and backing out are contending with high volume and quite often speeding traffic.

The traffic tends to be faster on our section of 75th Avenue than on Hwy 3 because there are no traffic lights or stop signs along this long stretch. The speeders make it hazardous for residents getting out of their driveways because the driver's vision is limited due to vehicles parked along this avenue.

Noise is also a problem. Pickups, cars and motorcycles with loud mufflers tend to accelerate at intersections and speed down the avenue.

In winter walking is made difficult because the shoulders are not cleared of snow. Residents on the south side at 244 to 254 clear their sidewalks but the corner of 3rd street to 244 is not cleared as it is an empty lot. Seniors are afraid to walk on that uncleared section.

As residents along 75th Avenue, we fear for the safety of all citizens and pets that use this section from 1st to 7th Street.

We the residents listed below request the City of Grand Forks to resolve this safety concern by:

1. Speed bumps or speed dips across 75th Avenue at appropriate intervals or
2. 4 way stop signs on 2nd and 3rd Streets to divert the traffic onto Hwy 3 where there are lights to control the speed of vehicles or
3. a different viable solution that the City can offer.

Thank you very much for giving attention to our situation.

cc: Staff Sargent Jim Harrison, RCMP
cc: Rob Vere, President of C.O.P.
cc: Christopher Stevenson, Neighbourhood Watch

FILE CODE
WE3 & *Various Residents*
C/O - re Traffic on
(Roads...) Agenda Page 22 of 208

| Printed Name | | |
|-------------------|--|--|
| ROD TOROKER | | |
| NORMA McMANUS | | |
| MICHAEL GRAF | | |
| Debbra Wrigley | | |
| John McEwen | | |
| Lorraine Croken | | |
| Sandy Normand | | |
| Bertil Jakobsson | | |
| Margaret Houghton | | |
| EDNE HANCHAR | | |
| SUZANNE Martin | | |
| RAE SALKELD | | |
| Brady Carson | | |
| Norman Harris | | |
| UMcDonald | | |
| R Mc Donald | | |
| Lane Grey | | |
| RON SUGAR | | |
| Jim RIFIELD | | |
| Edith Danish | | |
| GERRY BOOSE | | |
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Request for Decision



To: Regular Meeting
From: **Procedure Bylaw / Corporate Services**
Date: June 10, 2019
Subject: Reports, Questions and Inquiries from the Members of Council
Recommendation: **THAT all reports by members of Council be received.**

Background

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

Benefits or Impacts

General

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

Strategic Impact



Community Engagement

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

Policy/Legislation

Procedure Bylaw No. 1946, 2013

Recommendation

THAT all reports by members of Council be received.

Options

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

The volume of letters Council has received and absorbed over the past two weeks has been huge. At the time of submitting this report on June 4th over 40 letters from 35 addresses had been submitted by email directly to Councilors in those two weeks. I am certain there will be more by the time the Public Meeting is over and before Council makes its decision on June 10th. Thank-you to all those citizens who took the time to write their views and questions so eloquently.

One of the letters was about including George Massey Park in the list of excluded areas for overnight camping. That was dealt with at the COTW this morning. Another 2 letters complained about the increase in taxes. Hopefully next year we can do better with that. The other 38 letters were about the rezoning of the 4 70th Street lots for the Supportive Housing facility. None of the letters spoke in favor of that location. There were many concerns and issues: proximity to vulnerable populations of seniors and children, loss of privacy, increase in traffic, and the capacity of city infrastructure to handle to increased load. Some of the letters were adamantly opposed to supportive housing anywhere in the community. Other letters suggested 2nd Street was a preferable location to the 70th. Another letter pointed out that the 70th Street location would leave the tenants further from the down town core and the medical services they would need. One letter addressed to provincial officials and cc'ed to Council pleaded for 'breathing space' for our community stating that we needed TIME to complete flood recovery, enumerate the homeless and needy and plan housing comprehensively for the community. Now that is something I can support.

I hope that the passion and the care that went into most of those letters continues as we sort out the housing challenges facing our community.

Request for Decision



To: Regular Meeting
From: **Procedure Bylaw / Corporate Services**
Date: June 10, 2019
Subject: Report – from the Council's Representative to the Regional District of Kootenay Boundary
Recommendation: **THAT Mayor Taylor's report on the activities of the Regional District of Kootenay Boundary, given verbally at this meeting, be received.**

Background

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

Benefits or Impacts

General

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

Strategic Impact



Community Engagement

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

Policy/Legislation

Procedure Bylaw No. 1946, 2013

Recommendation

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

Options

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

Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: June 10, 2019

Subject: Proposed Subdivision, Rezoning and Consideration of approximately 0.5 hectares for parking lot expansion to relieve traffic congestion and alleviate safety concerns at John A. Hutton Elementary School (File: ZA1903).

Recommendation: **THAT Council give Fourth (final) reading to Zoning Bylaw Amendment No. 2039-A5.**

Summary

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

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

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

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

Background

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

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

At the April 8, 2019 regular meeting, Council gave first and second readings for the Zoning Bylaw amendment and instructed staff to schedule a public hearing and proceed with the legislative requirements to complete the subdivision/rezoning/consolidation process required for the development to proceed.

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

At the May 6th regular meeting, Council gave third reading to the Zoning Bylaw amendment. The bylaw was then sent to the Ministry of Transportation and Infrastructure for signature.

Properties

Property 1

Parcel Identifier: 007-247-095

Legal Description:

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

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

Area:13.4 ha

Civic Address: 2393 75th Ave

Owner: ABH Tire Ltd.

Property 2

Parcel Identifier: 009-241-051

Legal Description:

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

Area: 2.4 ha

Civic Address: 2575 75th Ave

Owner: John A. Hutton Elementary School

Property 3 (See Appendix E)

Legal Description:

Lot 1, Plan EPP92913, District Lot 520, Similkameen Division of Yale District
(Subdivision Plan of Lot A, Plan 13376 and Part of Lot 2, Plan 5090 Except:

- (1) Plans 5210, 8653, 11971, 12795, 13376, 19535, 21583, 23494 and 38138
(2) Parts outlined in Red on Plans 87375 and E10098
Both of District Lot 520, S.D.Y.D.)

Area: 2.75 ha

Policy and Zoning Framework

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

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

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

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

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

Servicing and Infrastructure

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

Benefits or Impacts

General

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

Strategic Impact



Community Engagement

- The public was advised and invited to comment on the rezoning application in writing and through advertising in the local newspaper, the Grand Forks Gazette.

- Council has had an opportunity to hear any comments or concerns regarding the proposal.



Community Livability

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

Policy/Legislation

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

Attachments

Appendix A Applicant and Site Information (7 Pages)
 Appendix B Agricultural Land Commission Decision - ALC File: 56485 (7 Pages)
 Appendix C DC Dean Associates Inc. - Traffic and Parking Study (6 Pages)
 Appendix D Bylaw No. 2039-A5 (2 Pages)
 Appendix E Subdivision Plan EPP92913

Recommendation

THAT Council give Fourth (final) reading to Zoning Bylaw Amendment No. 2039-A5.

Options

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

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2019-06-10-ZA1903-2575_75th_Ave-SubRezone_D.docx |
| Attachments: | <ul style="list-style-type: none">- 2019-06-10-ZA1903-Appendix_A-ApplicantSite_Red_Redacted.pdf- 2019-06-10-ZA1903-Appendix_B-ALC56485.pdf- 2019-06-10-ZA1903-Appendix_C-DCDeanAss_Traffic_Parking_Study.pdf- 2019-06-10-ZA1903-Appendix_D-Bylaw_2039-A5_Rezoning.pdf- 2019-06-10-ZA1903-Appendix_E-Subdivision_Plan_EPP92913.pdf |
| Final Approval Date: | May 31, 2019 |

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

Dolores Sheets - May 31, 2019 - 11:33 AM

Diane Heinrich - May 31, 2019 - 11:55 AM



THE CORPORATION OF THE CITY OF GRAND FORKS

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



REZONING APPLICATION

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

Applicant Information

Registered Owner(s): ABH TIRE LTD

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

Owner's Mailing Address:

2923 Central ave Grand Forks BC
V0H 1H2

E-mail Address: _____ Telephone: _____

Property Information

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

P.I.D.: 007 247 095

Civic Address of Property: _____

Rezoning Proposal

Current Zoning: R4A Current OCP Designation: _____ Proposed Zoning: CU

Summary of Proposal:

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

Submission Requirements:


Please submit the following information with this application:

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

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

Applicant Acknowledgement

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


Applicant's signature


Date

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

THE CORPORATION OF THE CITY OF GRAND FORKS



Subdivision Application Form

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

Contact Information

Name of Applicant (Contact Person):

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

Company Name (if applicable):

ABH TIRE LTD

Company Search (if applicable):

Phone 1:

Phone 2:

Fax:

Email:

Mailing Address:

2923 Central ave Grand Forks BC V0H 1H2

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

Property

Civic Address of Property:

75th Ave

Zoning of Property:

R4A → CU

Subdivision Type:

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

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

Signature for Subdivision Review

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

March 20/19
Date

Applicant Signature (print name also)

Date

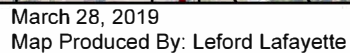
Applicant Signature (print name also)



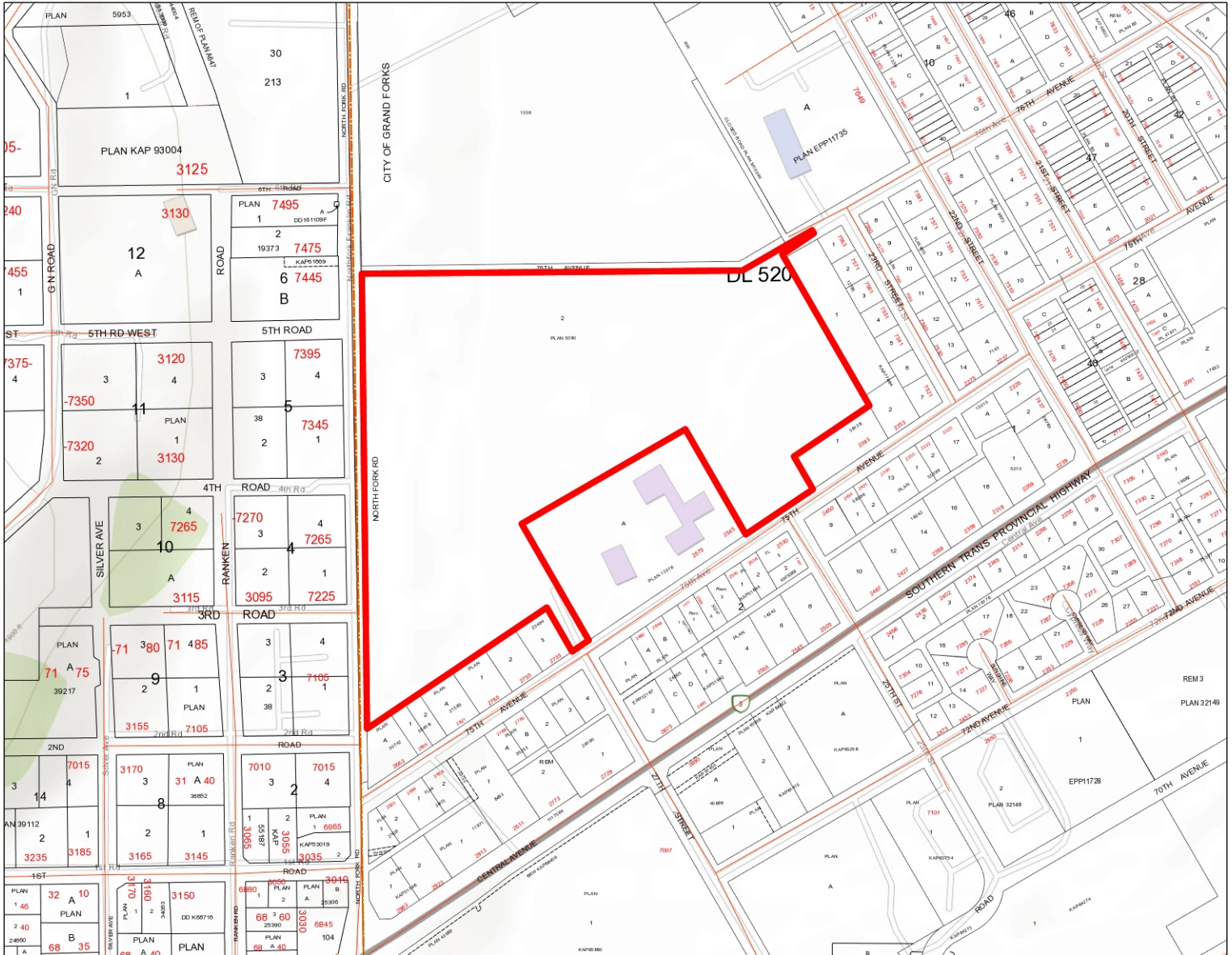
Subdivision Application Fees

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

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



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



Scale 1: 4,514

Legal Information

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



Scale 1: 2,257

Legal Information

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



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

June 6, 2018

ALC File: 56485

Jeremy Martens

DELIVERED ELECTRONICALLY

Dear Mr. Martens:

Re: Application 56485 for subdivision in the Agricultural Land Reserve

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

Review of Decisions by the Chair

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

Request for Reconsideration of a Decision

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

Please direct further correspondence with respect to this application to Riccardo Peggi at Riccardo.Peggi@gov.bc.ca.

Yours truly,

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

Riccardo Peggi, Land Use Planner

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

cc: City of Grand Forks (File: 2017_ALC_56485)



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

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

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

Agent: Jeremy Martens

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

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

Panel: David Zehnder , Kootenay Panel Chair
Ian Knudsen



OVERVIEW

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

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

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

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

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



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

EVIDENTIARY RECORD

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

BACKGROUND

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

EVIDENCE AND FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Weighing the factors in priority

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

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

DECISION

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

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



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

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

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

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

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

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

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

David Zehnder, Panel Chair

On behalf of the Kootenay Panel



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



2018 December 17

Jeremy Martens

DELIVERED ELECTRONICALLY

Dear Sir:

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

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

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

Exhibit 1 – School Location



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

Scope of Study

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

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

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

John A Hutton Elementary Numbers



The following data was obtained from staff at the school:





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

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

Site Observations

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

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

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

Identified Issues

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

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

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

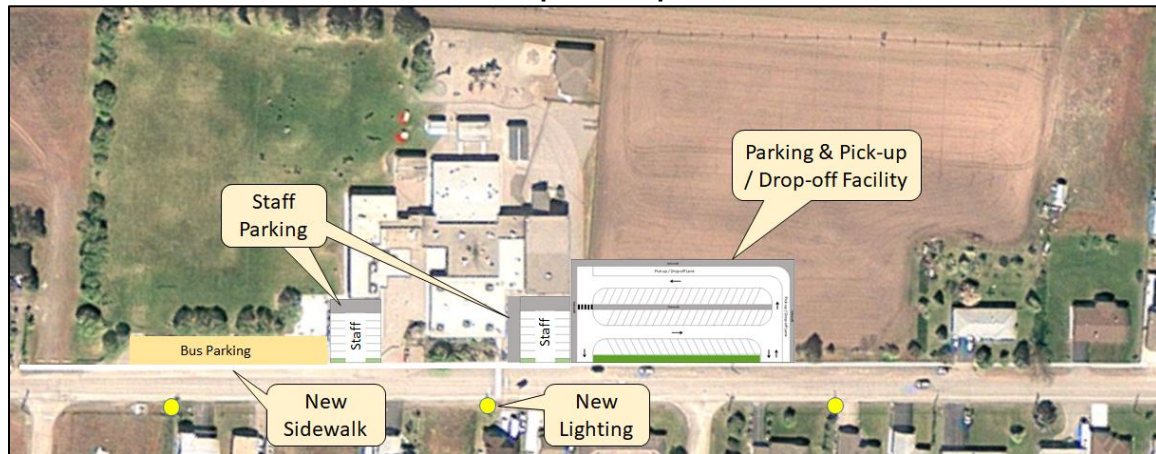
- **Unsafe driving behaviour** – Numerous examples of parents making unsafe movements were observed including U-turns, driving on wrong side of road, picking up in middle of road, inappropriate parking choices. This is quite likely influenced by the lack of proper facilities, and formalized areas of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

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

Proposed Improvements

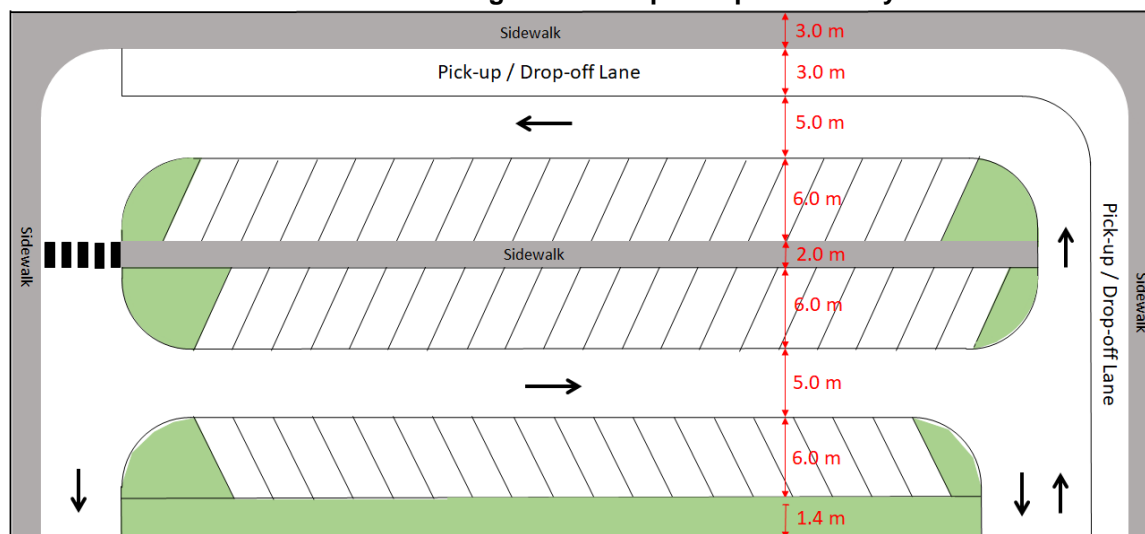
A suite of improvements are proposed in order to address the safety concerns relating to the peak period parking and pick-up / drop-off requirements of the school. Reference is made to Exhibit 2 for a schematic of each of the components:

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

Exhibit 2 – Proposed Improvements

Parking / Pick-up and Drop-off facilities

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

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

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

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

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

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

The facility utilizes the full width of available space (approximately 79 metres) and is 37.4 metres in depth, utilizing a total area of approximately 2,955 m², or approximately 0.3 hectares. This is less than the maximum allowed in the ALR approval (0.5 ha). The facility sketch is not drawn to scale but does indicate the key dimensions needed for proper circulation and turning movements.

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

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

Yours truly,

D.C. DEAN ASSOCIATES INC.



David Dean, P.Eng.

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A5

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

=====

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

1. This bylaw may be cited for all purposes as “**Zoning Bylaw Amendment No. 2039-A5, 2019**”.
2. Zoning Bylaw No. 2039 is amended as follows:
 - a. The property described as “Lot 1, Plan EPP92913, District Lot 520, Similkameen Division of Yale District” and as shown attached hereto as Appendix “A” is hereby zoned CU (Community Use).
 - b. Schedule “A,” Land Use Zoning Map, is hereby amended accordingly.

Read a **FIRST** time this **8th** day of **April**, 2019.

Read a **SECOND** time this **8th** day of **April**, 2019.

Read a **THIRD** time this **6th** day of **May**, 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-A5 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

SURVEY PLAN CERTIFICATION
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 2 PAGES

By incorporating your electronic signature into this form you are also incorporating your electronic signature into the attached plan and you

(a) represent that you are a subscriber and that you have incorporated your electronic signature to the attached electronic plan in accordance with section 168.73 (3) of the Land Title Act, RSBC 1996 c.250; and

(b) certify the matters set out in section 168.73 (4) of the Land Title Act, Each term used in this representation and certification is to be given the meaning ascribed to it in part 10.1 of the Land Title Act.

Arthur Hoefsloot
H8ZEAT

Digitally signed by Arthur Hoefsloot
H8ZEAT
DN: c=CA, cn=Arthur Hoefsloot
H8ZEAT, o=BC Land Surveyor,
ou=Verify ID at www.juricert.com/
LKUP.cfm?id=H8ZEAT
Date: 2019.05.27 23:06:06 -07'00'

1. BC LAND SURVEYOR: (Name, address, phone number)

Arthur F. Hoefsloot
Box 2494

Phone: (250) 442-3238

Grand Forks

BC V0H1H0

email: hlsl.art@gmail.com

☐ Surveyor General Certification [For Surveyor General Use Only]

2. PLAN IDENTIFICATION:

Control Number: **155-932-4184**

Plan Number: **EPP92913**

This original plan number assignment was done under Commission #: **609**

3. CERTIFICATION:

☒ Form 9 ☐ Explanatory Plan ☐ Form 9A

I am a British Columbia land surveyor and certify that I was present at and personally superintended this survey and that the survey and plan are correct.

| | | | | | |
|--|-------------|------------|-----------|-----------------|-------------------------------------|
| The field survey was completed on: | 2019 | May | 15 | (YYYY/Month/DD) | The checklist was filed under ECR#: |
| The plan was completed and checked on: | 2019 | May | 27 | (YYYY/Month/DD) | 224948 |

☒ None ☐ Strata Form S

☒ None ☐ Strata Form U1 ☐ Strata Form U1/U2

Arterial Highway ☐

Remainder Parcel (Airspace) ☐

4. ALTERATION: ☐

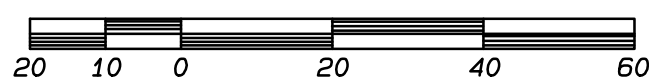
PI AN FPP9291.3

(2) PARTS OUTLINED RED ON PLANS B7375 AND E10098

BOTH OF DISTRICT LOT 520, S.D.Y.D.

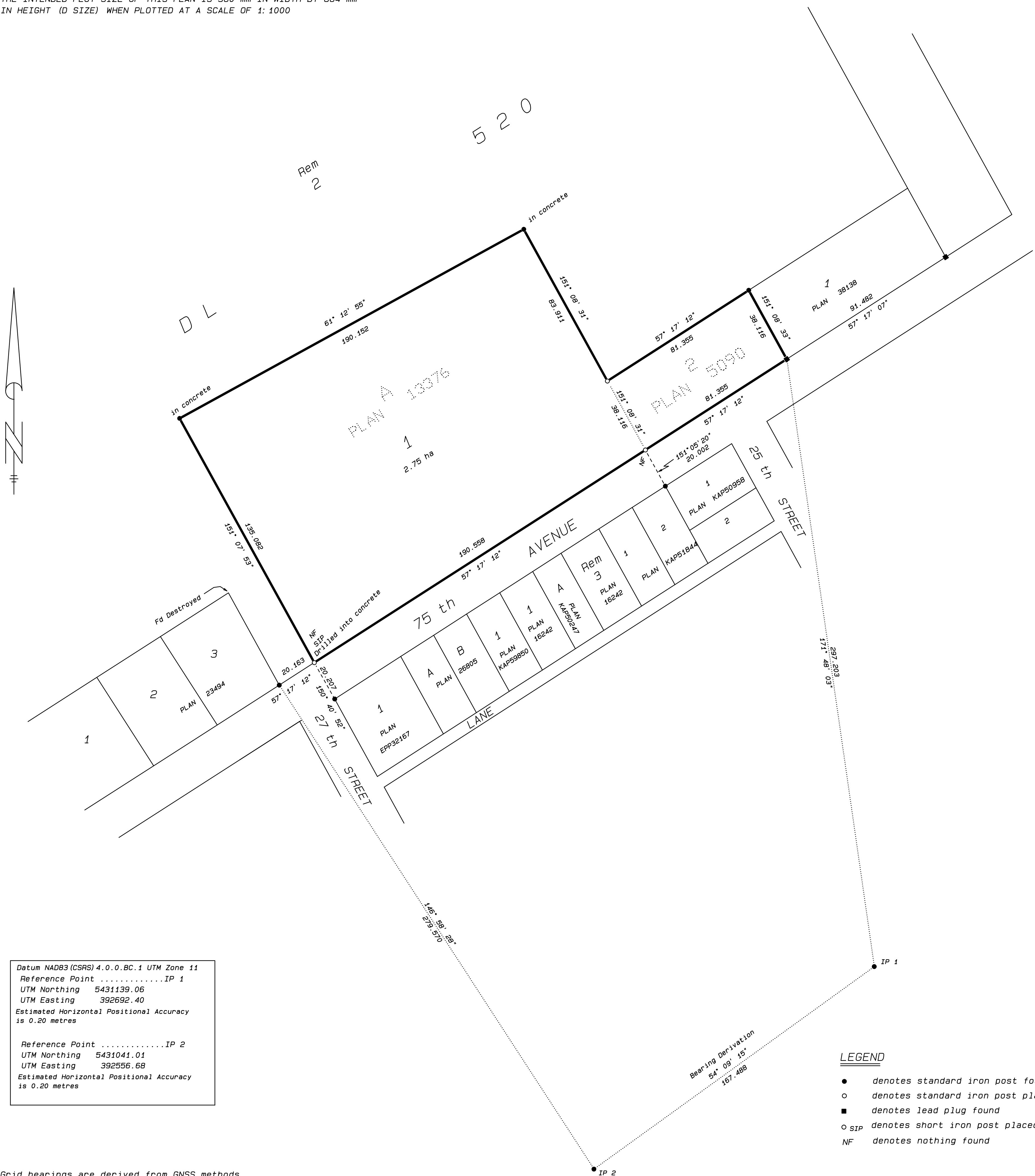
BCGS 82E.008

SCALE 1: 1000



All distances are in metres.

THE INTENDED PLOT SIZE OF THIS PLAN IS 560 mm IN WIDTH BY 864 mm
IN HEIGHT (D SIZE) WHEN PLOTTED AT A SCALE OF 1:1000



LEGEND

- denotes standard iron post found
- denotes standard iron post placed
- denotes lead plug found
- _{SIP} denotes short iron post placed
- NF denotes nothing found

THIS PLAN LIES WITHIN THE KOOTENAY
BOUNDARY REGIONAL DISTRICT

The field survey represented by this plan was completed on the 15th day of May, 2019.

A. F. Hoefsloot, BCLS (609)

A.F. HOEFSLOOT

BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 2494, GRAND FORKS, B.C.
VOH 1H0 250-442-3238

19-01

Request for Decision



To: Committee of the Whole
From: **Outside Works**
Date: June 10, 2019
Subject: Donaldson Drive repairs
Recommendation: **RESOLVED THAT Council approves \$25,000 for the “Donaldson Drive repair” project; THAT Council reduces the “Expo Sign changes” project budget by \$17,000; THAT Council reduces the “Construction Fencing” project budget by \$8,000; and THAT Council directs staff to amend the five-year financial plan bylaw to include the amendments above.**

Background

A section of Donaldson Drive near the gas station cardlock was in poor condition and the spring frost heave damaged it beyond what the cold mix used to fill potholes can fix. The road surface is in poor condition for at least 163 meters around the 26-meter damaged section. The capital project to resurface that section of road was not included in the 2019 capital project budget after priorities were shifted towards flood related initiatives.

Because of the significant frost heave, the base and sub-base will likely need to be replaced to prevent future similar damage in that section. The project involves removing and replacing the sub-base, base, and asphalt for the worst 26 meters of road. The estimated upper end cost is \$25,000. Staff require Council's approval because the project was not included in the 2019 budget.

Two capital projects may have their budgets reduced to balance the cost of the new project. The “Construction Fencing” project is expected to be completed under budget based on the detailed quotes that have been received. The “Expo Sign changes” project is nearly complete and under budget.

Benefits or Impacts

General

This section of road has failed and should be repaired.

Recommendation

RESOLVED THAT Council approves \$25,000 for the “Donaldson Drive repair” project;

**THAT Council reduces the “Expo Sign changes” project budget by \$17,000;
THAT Council reduces the “Construction Fencing” project budget by \$8,000; and
THAT Council directs staff to amend the five-year financial plan bylaw to include
the amendments above.**

Options

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

Report Approval Details

| | |
|----------------------|---|
| Document Title: | RFD 2019 - Donaldson Drive repairs.docx |
| Attachments: | |
| Final Approval Date: | May 31, 2019 |

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

David Reid - May 31, 2019 - 11:31 AM

Diane Heinrich - May 31, 2019 - 11:57 AM

Request for Decision



To: Regular Meeting
From: **Outside Works**
Date: May 21, 2019
Subject: Capital Budget Amendment – Three Phase Service Upgrade 19th St
Recommendation: **RESOLVED THAT Council approves the 19th St Three Phase Service Upgrade Project budget of \$105,000 and directs staff to include it in the Five-Year Financial Plan**

Background

The new BC Housing affordable housing project on 19th St requires more power for the apartment building and town houses than the current distribution system can provide for a 500kVA transformer. Three phase power must be extended from 68th Avenue to the south east corner of Dick Bartlett Park. This connects to a completed extension down 19th St from 72nd Ave. It will cost \$105,000 for the project and BC Housing will pay approximately \$80,000 of the total project. The remaining costs of the project will be completed under the capital project for pole changes feeder 3 and 5 and out of operations.

Benefits or Impacts

General

This will extend the three-phase power distribution system to run past the new development up to the well sites, and allow the development to get the power it needs.

Recommendation

RESOLVED THAT Council approves the 19th St Three Phase Service Upgrade Project budget of \$105,000 and directs staff to include it in the Five-Year Financial Plan

Options

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

Report Approval Details

| | |
|----------------------|---|
| Document Title: | RFD 2019 Three Phase Service Upgrade 19th St.docx |
| Attachments: | |
| Final Approval Date: | May 31, 2019 |

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

Diane Heinrich - May 31, 2019 - 2:37 PM

Request for Decision



To: Regular Meeting

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 Council directs 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

At the June 10, 2019 meeting, the Committee of the Whole recommended that Council 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.

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 and/or indigenous nation 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 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.
- Written comments will be accepted and will be forwarded to the LCRB.
- A public Feedback session will be held.

Policy/Legislation

Local Government Act; Official Community Plan; Zoning Bylaw; Cannabis Control Licencing 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 Council directs 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 Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-06-10-DVP1901-7500_Donaldson_CANNABIS_Retail_I.docx |
| Attachments: | - Appendix 1_DVP1901.pdf - Appendix 2_DVP1901_Application Package.pdf |
| Final Approval Date: | May 31, 2019 |

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

Diane Heinrich - May 31, 2019 - 2:45 PM





17500 Donaldson

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

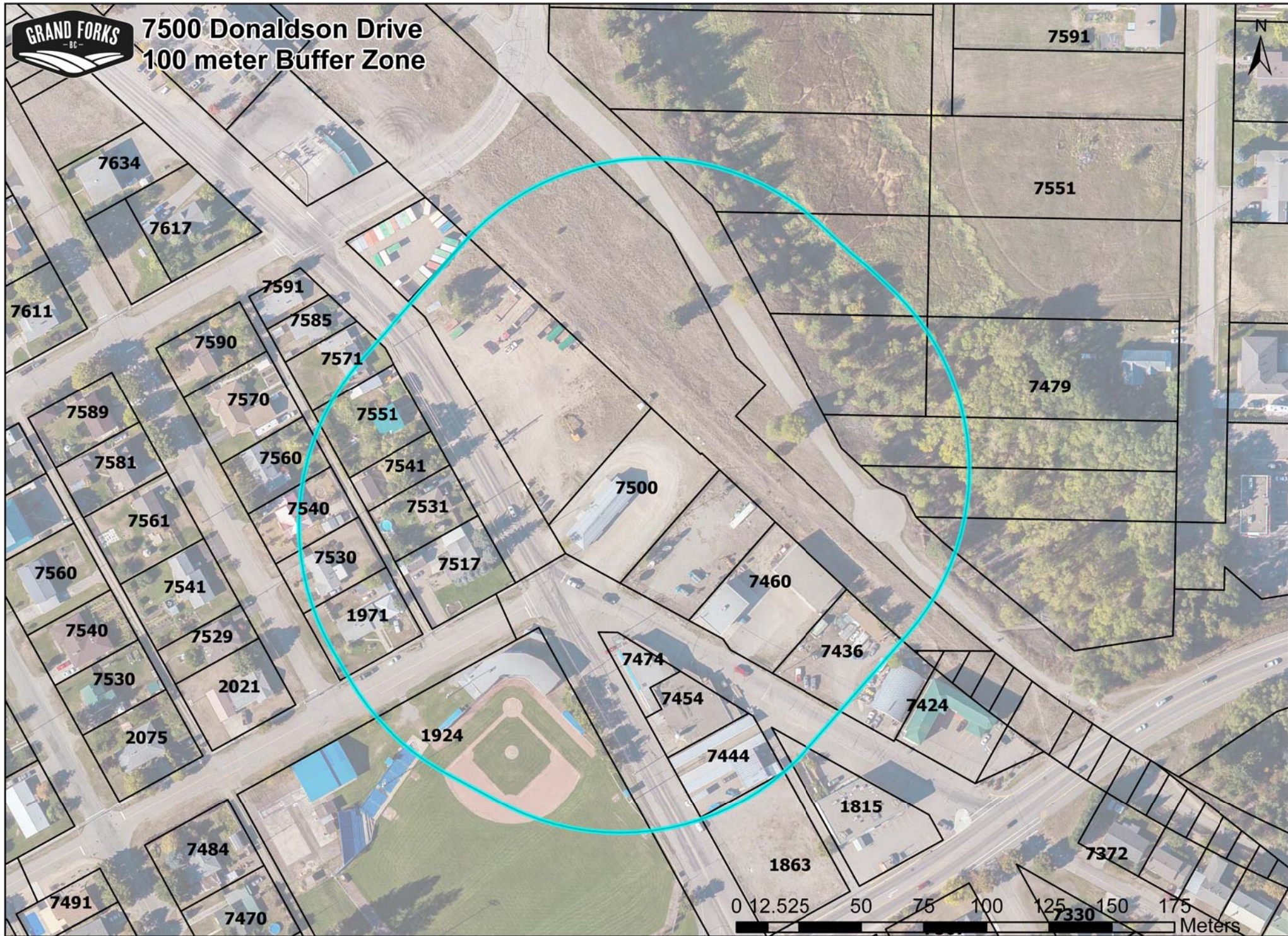


**SUBJECT
PROPERTY**





7500 Donaldson Drive 100 meter Buffer Zone



May 31, 2019
Map Produced By: Planning

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

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.

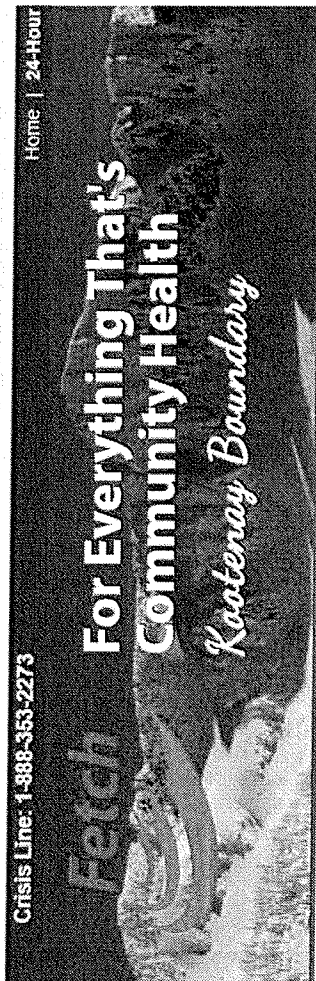
Moved by: Ross

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:

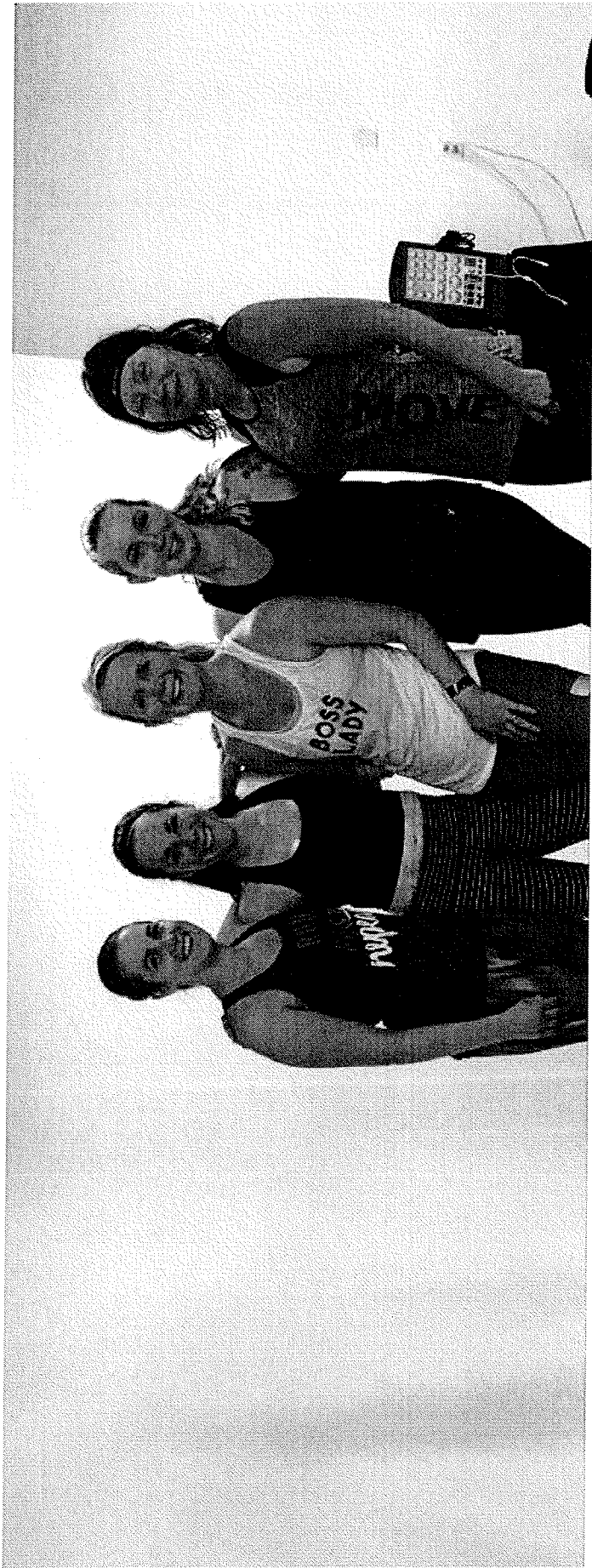
- Free or low cost training opportunities for parents and care providers
- Bi-monthly newsletter for parents and care providers
- Extensive toy lending and resource library which is free for care providers and for a low annual fee for parents
- Readily available support and consultations
- Public access 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 | | Hours of Operation | |
| Louise Heck | | Regular hours: Monday to Thursday, 10am - 4pm | |
| Mailing address: Box 435 Grand Forks, BC V0H 1H0 | | | |

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

JAZZEXERCISE 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 _____ ,

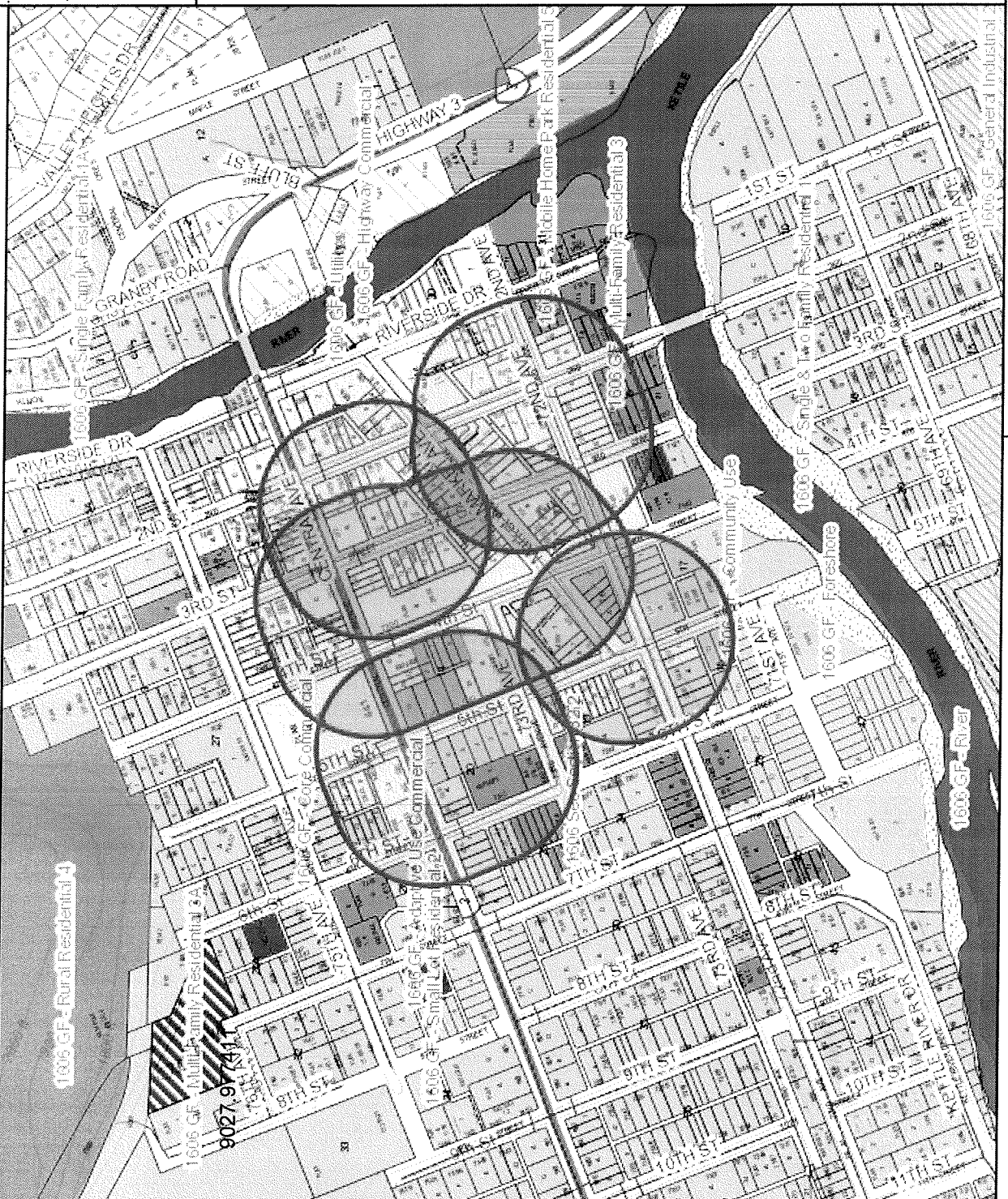
Corporate Officer of the Corporation of the
City of Grand Forks

This is Exhibit "D" referred to in the affidavit of Alice Hryn 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

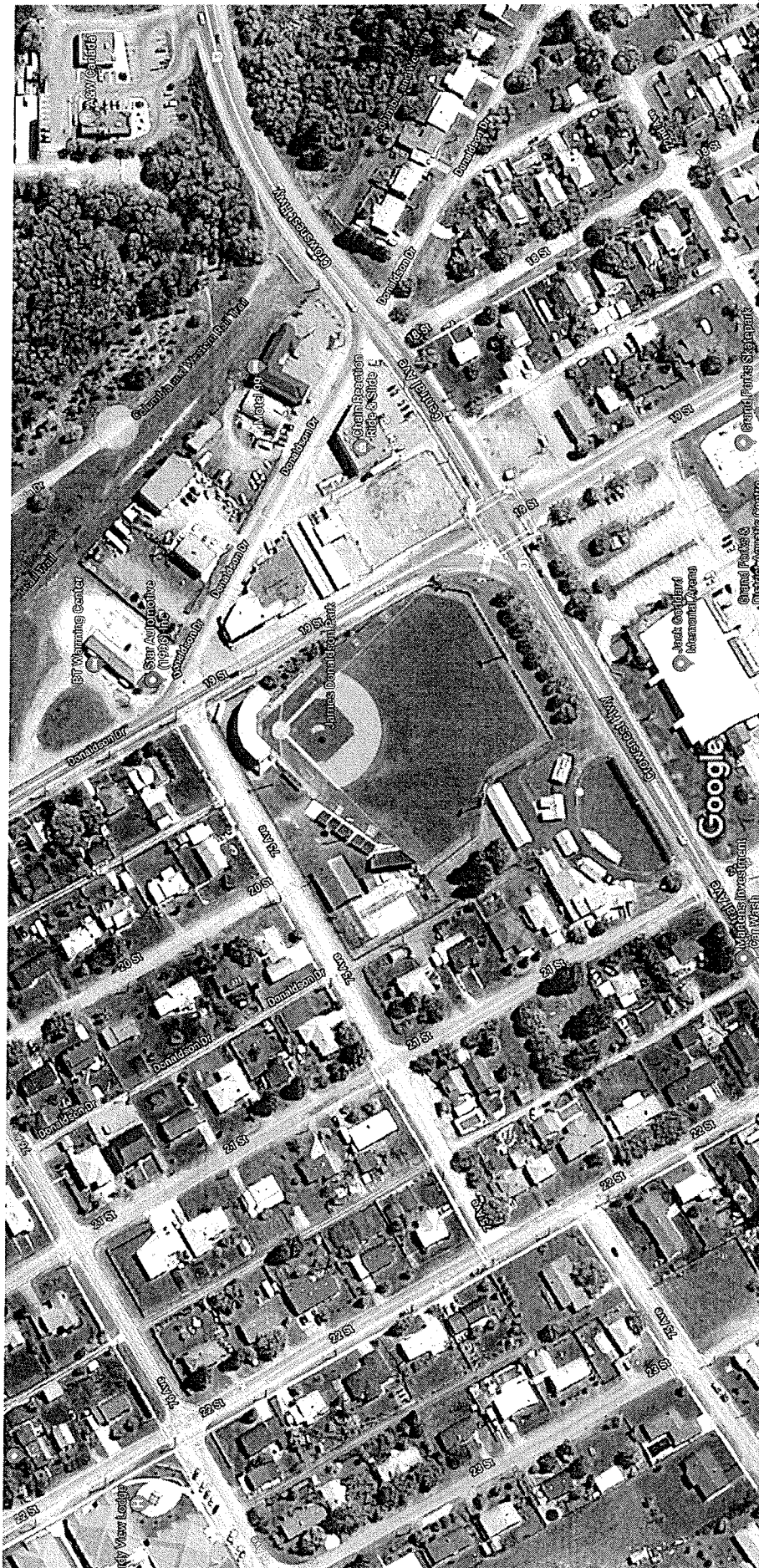
Notes:

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, BC this 9th day of May 2019

[Signature]
Commissioner for taking Affidavits
for British Columbia

Imagery ©2019 DigitalGlobe, Map data ©2019 Google

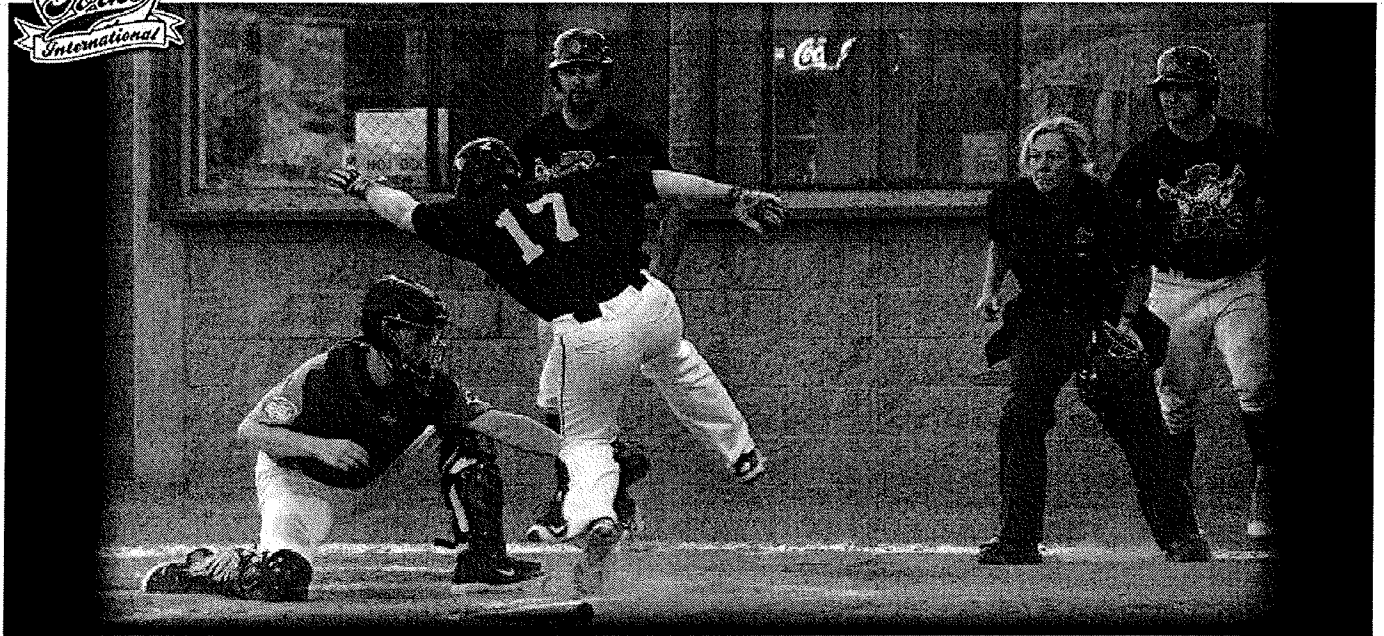


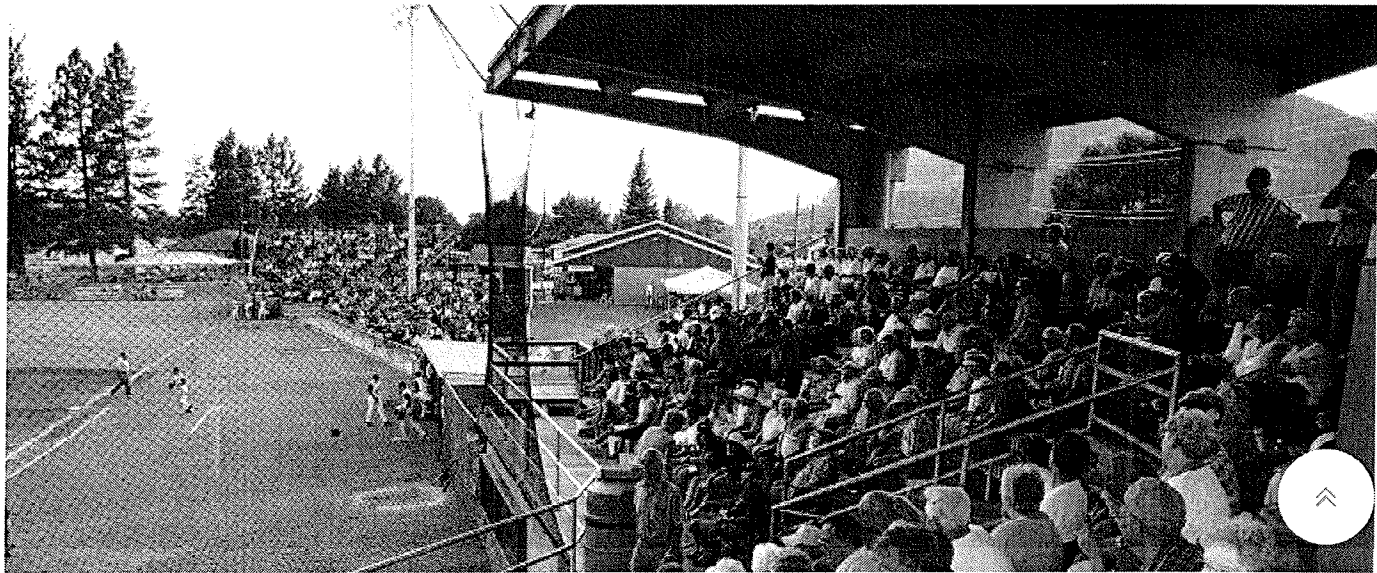
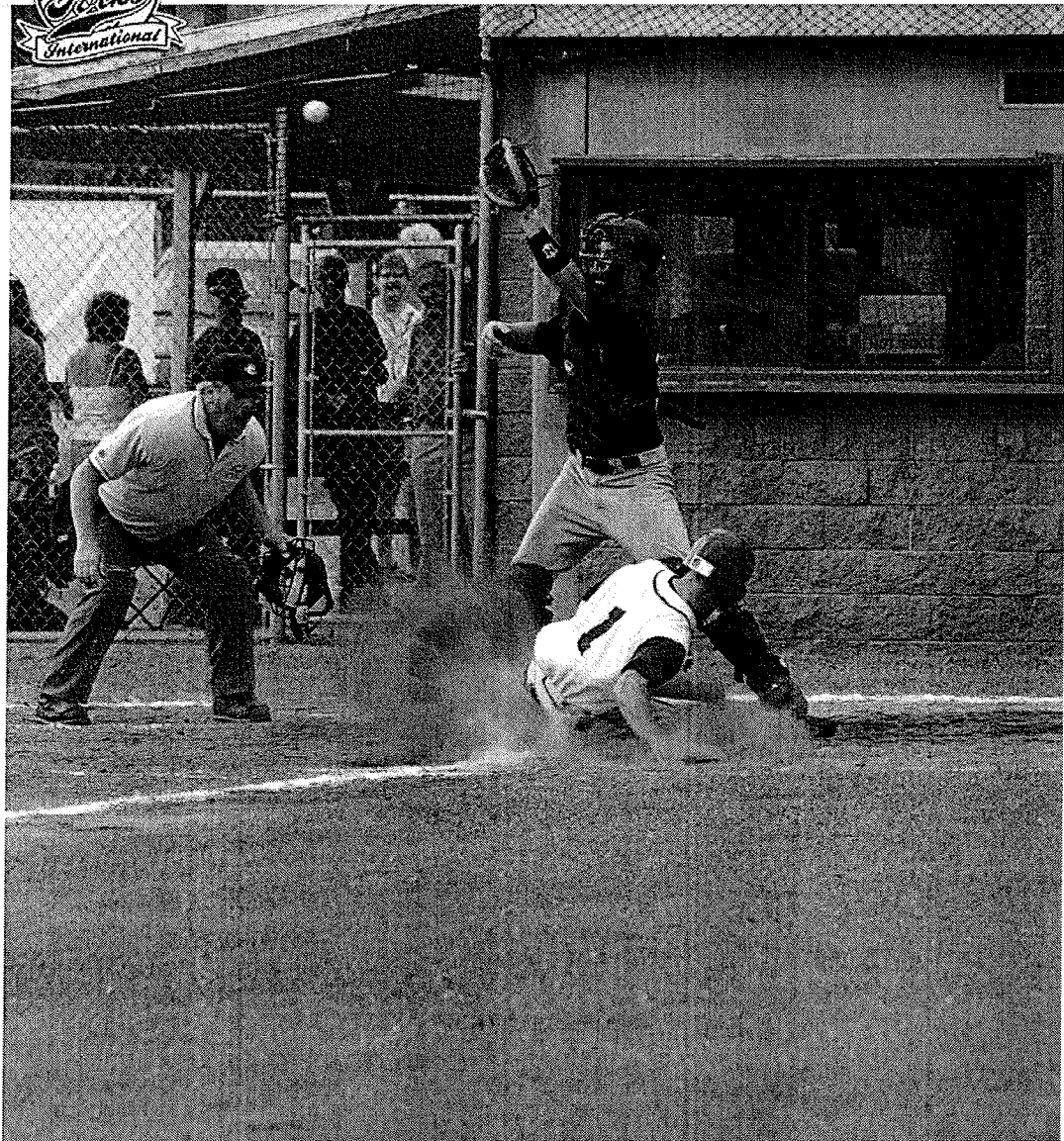
his is Exhibit "F" referred to in the
 affidavit of Alice Hymn
 sworn before me at Vancouver, BC
 this 9th day of May 2019

A Commissioner for taking Affidavits
 for British Columbia

Photos









Sponsors

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

Share

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](#)

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[FAQ](#)

[TICKET OPTIONS](#)

[SCHEDULE](#)

[RULES](#)

[SCORES & STANDINGS](#)

[NEWS](#)

Past Teams

[2016 TEAM LINE UP](#)

[2015 TEAM LINE UP](#)

[2012 TEAM LINE UP](#)





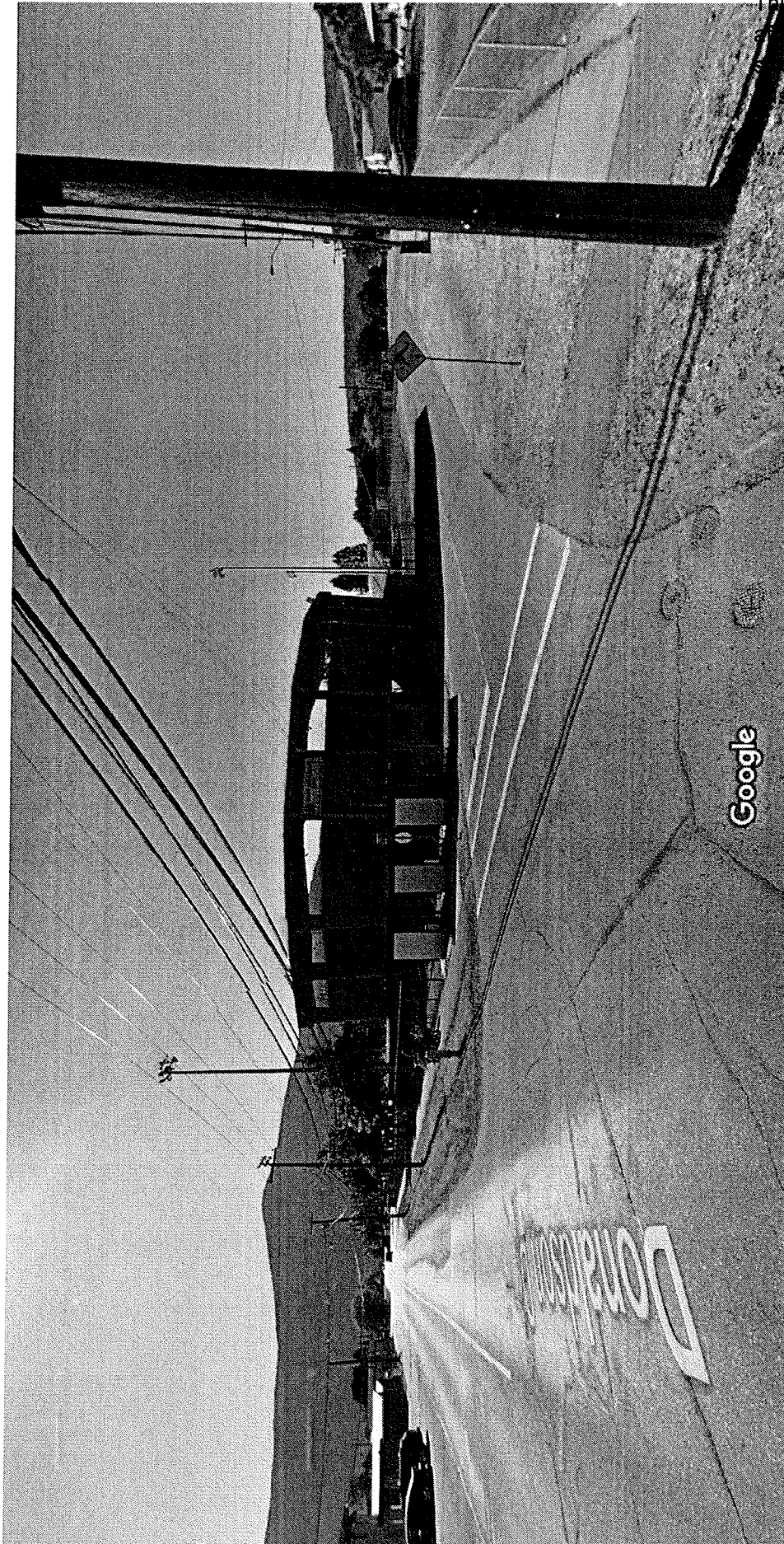
WEBSITE BY CODE'S CAD



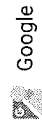
© GRAND FORKS INTERNATIONAL



Google Maps 7515 Donaldson Dr



Grand Forks, British Columbia



Street View - Oct 2012

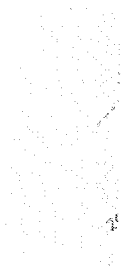


<https://www.google.ca/maps/@49.0294276,-118.4622807,3a,75y,193.85h,87.71t/data=!3m6!1e1!3m4!1scgycY6xb4ZMZwckaVmSe1Q!2e0!7113312!8i6656>

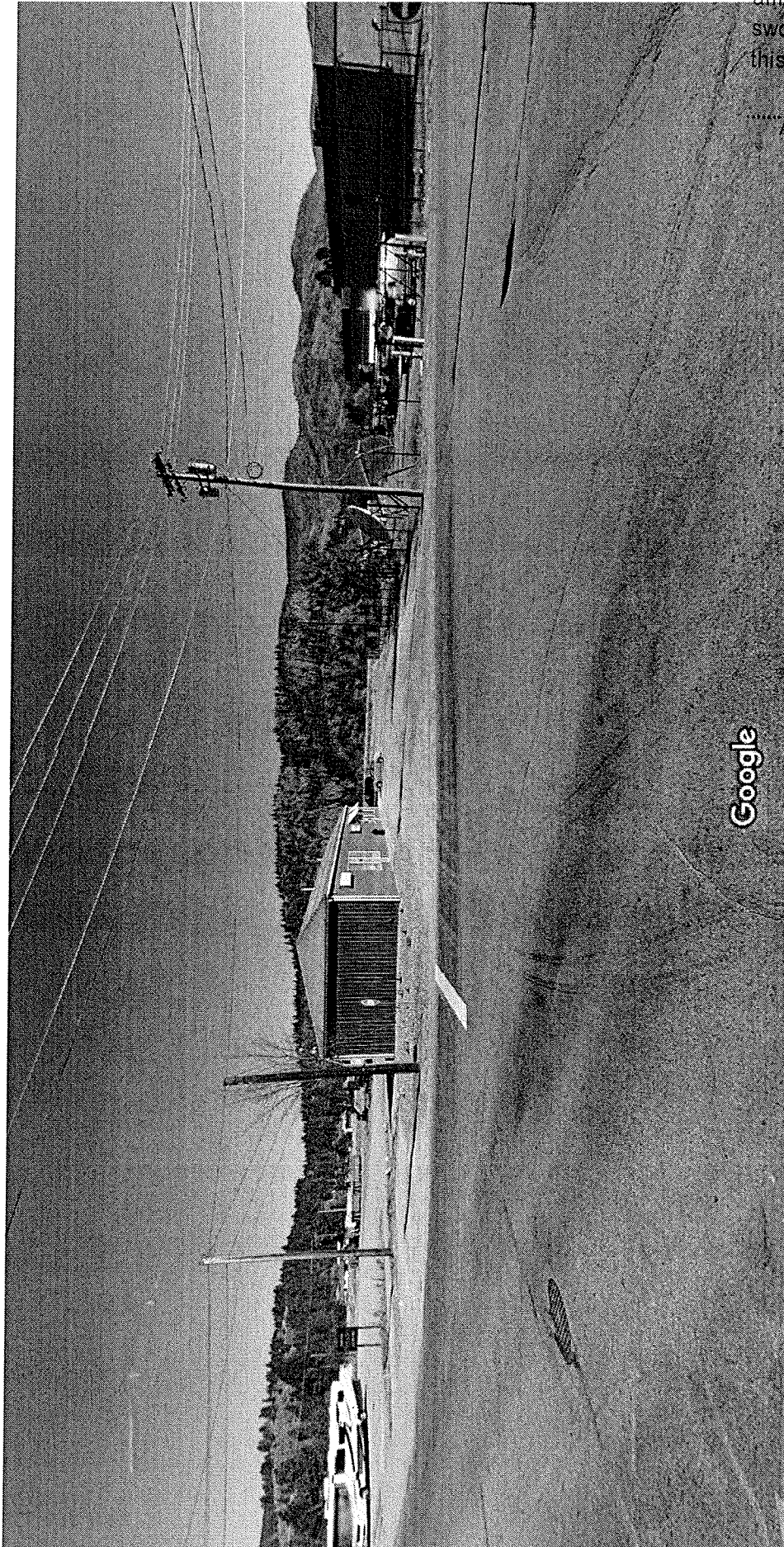
This is Exhibit "A" referred to in the
affidavit of Alice Huynh
before me at Vancouver, B.C.
on the 04 day of May, 2019

A Commissioner for taking Affidavits
for British Columbia

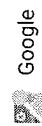
Image capture: Oct 2012



19 St



Grand Forks, British Columbia



Street View - Oct 2012



38
This is Exhibit "H" referred to in the
affidavit of Alice Huynh
sworn before me at Vancouver, B.C.
this 10th day of May 2019
A Commissioner for taking Affidavits
for British Columbia
Image capture: 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



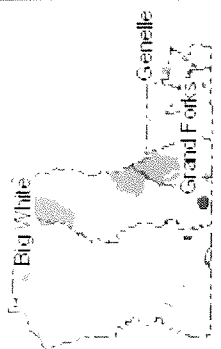
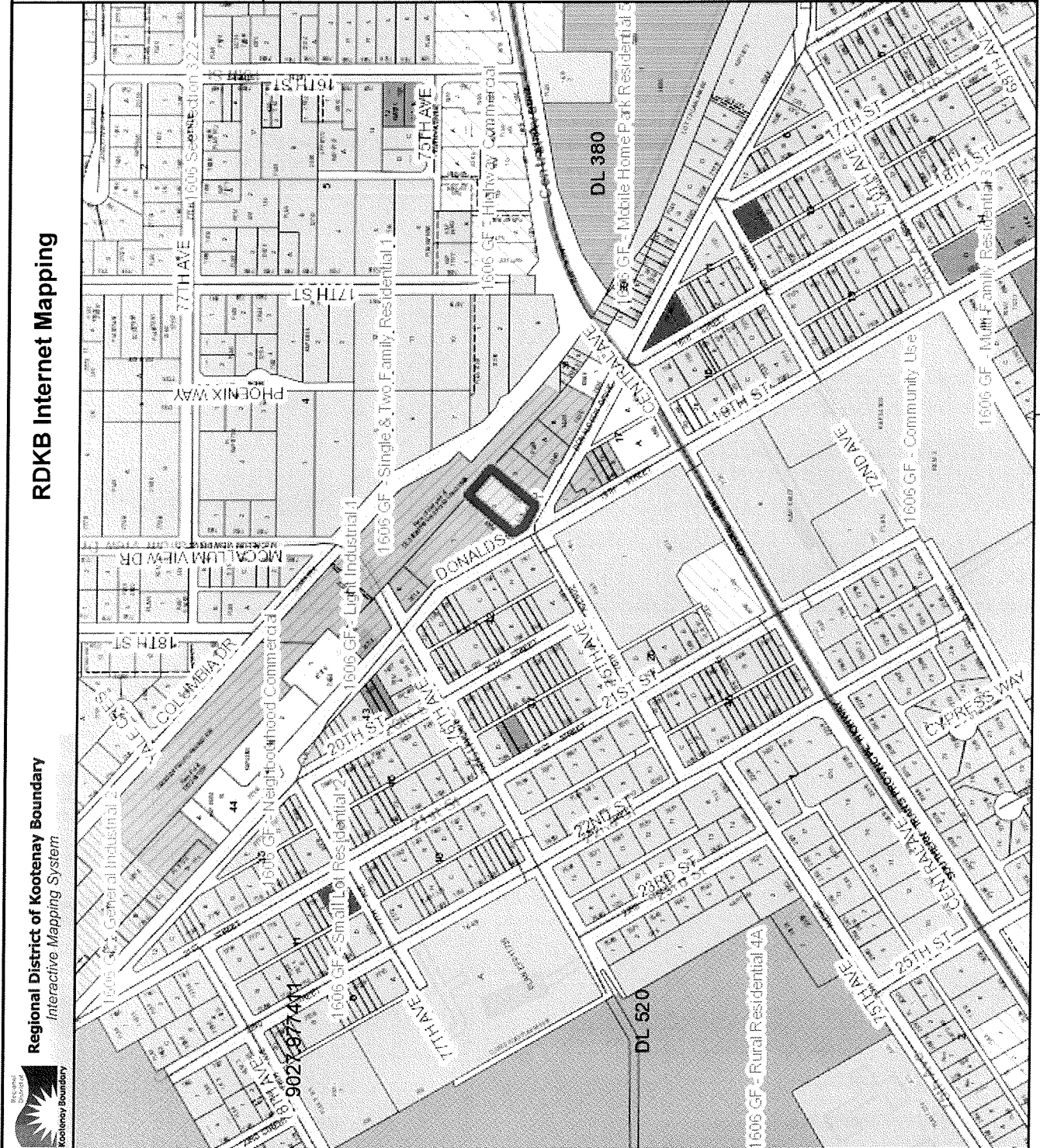
Imagery ©2019 DigitalGlobe, Map data ©2019 Google

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

Commissioner for taking Affidavits
for British Columbia



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



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

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Final Approval - Temporary Use Permit – Day Parking Lot for Cannafest on the 2200 Block of 68th Avenue (FILE: TUP1901)

Recommendation: **THAT Council grants a Temporary Use Permit for a Day Use Parking Lot on lands zoned R1 – Single and Two Family Residential, located on the 2200 Block of 68th Avenue; legally described as Parcel Z, Plan KAP35, District Lot 380, Land District 54, Except Plan 10223, KAP47308 and KAP56956; PID 008-286-701.**

Background

At its Regular meeting of May 6, 2019, Council considered this proposal for a temporary use permit to accommodate a day use parking lot (for Cannafest) and directed staff to proceed with the statutory requirements for public notice as required by the Local Government Act.

Proposal

The temporary parking area will accommodate organized day parking for the 3 day Cannafest Music Festival held in August. The temporary use permit, if approved, would be valid for a period of three years (renewable upon application for an additional three years).

Further details about this proposal are:

- The property is 2.7 hectares (6.7 acres) in size and is zoned R1 – Single and Two-family Residential (which does not permit parking lots as a single use on a lot);
- The property will be fenced along 70th and 68th Avenues during the Cannafest event;
- No overnight parking will be permitted;
- Parking operations will be managed by on-site security/patrol and patrons will walk to the event site or take a shuttle;
- A temporary use permit was issued in 2018 to accommodate RV camping immediately west of this site (the site has been fenced and irrigated); and
- A fire protection/suppression and a dust control plan will be in effect while the site is used for parking.

Public Notification

Notification of the permit application was advertised in the May 29th issue of the Grand Forks Gazette and letters were sent out to 42 property owners within 30 metres of the site. No comments have been received to date. Any comments received will be transmitted to City Council prior to or at the Council meeting on June 10th.

Conclusion

The legislative requirements and public notification process for this temporary use permit application are complete and to date, no comments have been received. Subject to Council's consideration of any public input subsequently received as a result of the notification, it is appropriate to approve the Temporary Use Permit No. 1901 (see draft permit attached).

Benefits or Impacts

General

As a temporary use, the lot can be redeveloped at anytime for it's intended use as low density residential.

Strategic Impact



Community Engagement

- The public and immediate neighbourhood was invited to review and comment on this proposal. To date no concerns have been expressed.



Community Livability

- Dust mitigation and fire protection will be undertaken to mitigate any impacts on the neighbourhood while the parking lot is in use. An operations plan will ensure orderly and secure parking options for festival patrons.



Economic Growth

- The parking area will foster and support this major community event which brings economic benefits to the entire community.



Fiscal Responsibility

- No City financial or staff resources will be used in the operation of this parking area.

Policy/Legislation

The Local Government Act and the Official Community Plan

Attachments

Draft Temporary Use Permit No. 1901

Recommendation

THAT Council grants a Temporary Use Permit for a Day Use Parking Lot on lands zoned R1 – Single and Two Family Residential, located on the 2200 Block of 68th Avenue; legally described as Parcel Z, Plan KAP35, District Lot 380, Land District 54, Except Plan 10223, KAP47308 and KAP56956; PID 008-286-701.

Options

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

**THE CORPORATION OF THE CITY OF GRAND FORKS
TEMPORARY USE PERMIT NO. 1901**

D R A F T

Issued to: 1185487 BC LTD

(the "Owner")

Address of Owner: 458 - 2242 KINGSWAY
VANCOUVER BC V5N 5X6

Date of Issuance: June ____, 2019

1. This Temporary Use Permit is issued subject to compliance with all statutes, bylaws, orders or agreements, except as specifically varied by this permit.
2. This Temporary Use Permit applies to those lands within the City of Grand Forks, with the legal description as follows:

Parcel Z, Plan KAP35, District Lot 380, Similkameen Division of
Yale Land District, Except Plans 10223, KAP47308 and KAP56956

(the "Land")

3. The temporary use permitted on the Land shall be:
 - a. Day use parking lot.
 - b. Uses accessory to the operation of the parking lot.
4. The temporary use shall be carried out according to the following:
 - a. The site will be fenced while in use.
 - b. The site will be irrigated for dust control while in use.
 - c. A fire protection and suppression control plan will be in place while in use.
 - d. Driveway accesses shall be located away from nearby residential areas.

5. Notice of this permit shall be filed in the Land Titles Office at Kamloops, B.C. under Section 503 of the Local Government Act and upon such filing, the terms of this permit or any amendment hereto, shall be binding upon all persons who acquire an interest in the land affected by this permit.
6. This permit shall lapse on or before three years from the date of issuance.
7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of the temporary use permit. This temporary use permit is not a building permit.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF GRAND FORKS AT A REGULAR MEETING HELD THE 10TH DAY OF June, 2019.

ISSUED THIS _____ day of June, 2019.

MAYOR BRYAN TAYLOR

CORPORATE OFFICER
DANIEL DREXLER

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2019-06-10-TUP 1901-Cannafest Day Parking Final Approval.docx |
| Attachments: | |
| Final Approval Date: | May 31, 2019 |

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

Dolores Sheets - May 31, 2019 - 3:20 PM

Diane Heinrich - May 31, 2019 - 3:31 PM



May 30, 2019
City Of Grand Forks

Dear Mayor and City Councilors of the City of Grand Forks,

I, Brock Elliott, am writing on behalf of Horizon North to make a request for the consideration to allow Horizon North permission to utilize the Northern parcels (2000 Block of 70th Avenue) of the 6895 19th St development site, for temporary use to locate (2) of our site office trailers.

Our intent would be to locate our temporary office trailers onto the parcels for the remaining duration of the 6895 19th St apartment/townhouse project under construction directly adjacent to the South. The length of time requested would be from June to the end of September, roughly 4 months, in which they will then be removed completely.

Allowing use of these parcels would be of great support in allowing us to better manage the safety of our site while still maintaining adequate room to continue construction unimpeded. By utilizing this new location, we are able to have greater visibility to anyone entering the site, as well as a better general overview of the entire development. As the temporary construction access has been moved to these parcels, by placing our office trailers in the same location, any visitors/contractors/etc. would be immediately visible by our site personnel and can be easily directed into the site trailer as needed.

For full clarity, we have included a sketch clipped below outlining our intended positioning for the trailers, relative to the requested lots. The trailers are 12'x60' each and we would be looking to utilize roughly 1500sf. Horizon North would also be willing to adhere to any insurance requirements as requested from the city.



Regards,
Brock Elliott



GRAND FORKS DETACHMENT
MAYOR'S REPORT
QUARTER 1, 2019

Grand Forks RCMP Detachment

1608 Central Ave

Box 370

Grand Forks, B.C.

Telephone (250) 442-8288 Fax (250) 442-3919

City of Grand Forks

Mayor and Council

PO Box 224

Grand Forks, B.C. V0H 1H0

April 10, 2019

Dear Mayor TAYLOR and Council,

RE: Quarterly Crime Statistics - January/February/March

FILE CODE
WEH & R5 - Stats - Jan, Feb, March
Rcmp Quarterly

| CRIME CATEGORIES | GRAND FORKS Q1 2018 | GRAND FORKS Q1 2019 | CHRISTINA LAKE 2018 | CHRISTINA LAKE Q1 2019 | RURAL Q1 2018 | RURAL 2019 | Q1 | GF DET TOTALS Q1 2018 | GF DET TOTALS Q1 2019 |
|---------------------------------|------------------------|------------------------|------------------------|---------------------------|------------------|---------------|----|-----------------------------|-----------------------------|
| Homicide / Attempted Homicide | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 |
| Assaults | 9 | 11 | 1 | 1 | 0 | 3 | | 10 | 15 |
| Sexual Offences | 1 | 1 | 0 | 0 | 0 | 1 | | 1 | 2 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 |
| Auto Theft | 4 | 2 | 1 | 0 | 0 | 1 | | 5 | 3 |
| Break and Enters | 21 | 8 | 4 | 3 | 3 | 3 | | 28 | 14 |
| Theft From Motor Vehicle | 21 | 2 | 1 | 0 | 4 | 3 | | 26 | 5 |
| Drug Investigations | 7 | 9 | 0 | 0 | 0 | 0 | | 7 | 9 |
| TOTAL PERSONS/VIOLENT CC | 15 | 27 | 1 | 4 | 0 | 12 | | 16 | 43 |
| TOTAL PROPERTY CC | 98 | 69 | 20 | 7 | 18 | 12 | | 136 | 88 |
| TOTAL OTHER CC | 24 | 28 | 0 | 1 | 1 | 3 | | 25 | 32 |
| TOTAL CRIMINAL CODE (CC) | 137 | 124 | 21 | 12 | 19 | 27 | | 177 | 163 |
| TOTAL CALLS FOR SERVICE | 493 | 411 | 71 | 65 | 122 | 126 | | 686 | 602 |



GRAND FORKS DETACHMENT **REGIONAL DISTRICT REPORT** **QUARTER 1, 2019**

| TRAFFIC AND IMPAIRED | GRAND FORKS Q1 2018 | GRAND FORKS Q1 2019 | CHRISTINA LAKE Q1 2018 | CHRISTINA LAKE Q1 2019 | RURAL Q1 2018 | RURAL Q1 2019 | GF DET TOTALS Q1 2018 | GF DET TOTALS Q1 2019 |
|----------------------------------|--------------------------------|--------------------------------|-----------------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------------------|--------------------------------------|
| Motor Vehicle Collisions | 8 | 7 | 10 | 7 | 17 | 17 | 35 | 31 |
| Motor Vehicle Collisions W Fatal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Impaired Driving - CC | 3 | 4 | 0 | 1 | 0 | 1 | 3 | 6 |
| Impaired Driving - MVA (IRPs) | 4 | 4 | 2 | 0 | 1 | 0 | 7 | 4 |

| COMMUNITY | GRAND FORKS Q1 2018 | GRAND FORKS Q1 2019 | CHRISTINA LAKE Q1 2018 | CHRISTINA LAKE Q1 2019 | RURAL Q1 2018 | RURAL Q1 2019 | GF DET TOTALS Q1 2018 | GF DET TOTALS Q1 2019 |
|------------------------------------|--------------------------------|--------------------------------|-----------------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------------------|--------------------------------------|
| Files with youth negative contacts | 3 | 5 | 1 | 0 | 0 | 0 | 4 | 5 |
| Mental Health Related Calls | 19 | 23 | 2 | 0 | 2 | 4 | 23 | 27 |
| Files involving Alcohol / Drugs | 37 | 37 | 4 | 0 | 6 | 4 | 47 | 41 |
| Domestic Violence Files | 3 | 3 | 0 | 0 | 0 | 2 | 3 | 5 |

Should you have any questions or concerns, or should you wish to discuss these statistics, please do not hesitate to contact me at 250-442-8288.

Yours truly,

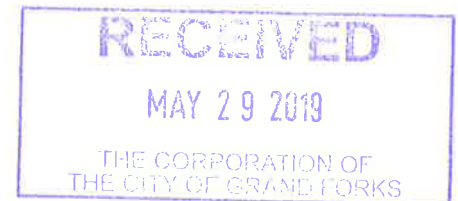
Jim HARRISON R/Cst.

Acting NCO i/c

Grand Forks RCMP Detachment

May 23, 2019

Mayor Brian Taylor
City of Grand Forks
Box 220
Grand Forks, BC V0H 1H0



Dear Mayor Taylor:

Re: 2019 Resolutions

UBCM is in receipt of the attached resolution(s) endorsed by your Council. Your resolution(s) received endorsement at the AKBLG Spring 2019 AGM.

The resolution(s) will be presented to the UBCM membership for their consideration at the 2019 UBCM Convention in September.

Please feel free to contact Jamee Justason, Resolutions and Policy Analyst, if you have any questions about this process.

Tel: 604.270.8226 ext. 100 Email: jjustason@ubcm.ca

Very Best Wishes,

A handwritten signature in black ink, appearing to read "Arjun Singh".

Arjun Singh
UBCM President

Enclosure

FILE CODE
W63 2019 Resolutions
442 - endorsed at AKBLG

Additional Rehabilitation Detox Centres

Grand Forks

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

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

Therefore be it resolved that the Ministry of ~~Mental Health and Addictions~~ be encouraged to fund ~~more~~ detox and rehabilitation centres throughout the Province, particularly in rural and remote communities.

Convention Decision:

Disaster Financial Assistance

Grand Forks

Whereas many small business owners in rural British Columbia have many different household income sources;

And whereas small businesses form a critical part of rural communities because of the employment, taxes, and services they provide:

Therefore be it resolved the Province change the Disaster Financial Assistance program criteria relating to income requirements, eligibility, and insurance availability to better address the needs of rural British Columbia small business owners.

Convention Decision:

Insurance Practices During and After Disasters

Grand Forks

Whereas many property owners and small businesses were recently affected by floods and fires across British Columbia;

And whereas many of those property owners and small businesses were unable to get insurance coverage, were unable to access that coverage in a timely manner, or were denied insurance coverage from their insurance provider:

Therefore be it resolved that the Ministry of Finance review insurance practices in British Columbia to identify ways to insure property owners and small businesses during and after a disaster.

Convention Decision:

BC Housing Accountability

Grand Forks

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

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

And whereas BC Housing failed to consult Council about the location or size of supportive housing facilities before land was purchased and designs chosen:

Therefore be it resolved that BC Housing seek local government's approval before land is purchased for supportive housing initiatives.

Convention Decision:

Request for Decision



To: Regular Meeting

From: **Development, Engineering and 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 Council give first and second reading to Bylaw No. 1919-A3 and direct staff to proceed with the statutory requirements for public notice.**

Background

At the Committee of the Whole meeting on the morning of June 10, 2019, Council discussed and considered a proposed amendment to the Official Community Plan to eliminate the maximum 60 units per hectare density requirement for the Commercial Core land use designation (downtown). Staff recommended that the bylaw be given first and second reading.

The purpose of this report is to recommend that first and second reading be given by Council at the regular meeting on June 10, 2019.

Attached in Appendix "A" is a report and background information about the proposed OCP amendment as presented to Committee of the Whole.

Benefits or Impacts

See attached

Attachments

Appendix "A": Corporate Report File: OCP1901

Recommendation

THAT Council give first and second reading to Bylaw No. 1919-A3 and direct staff to proceed with the statutory requirements for public notice.

Options

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

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-06-10-OCP1901-Bylaw1919-A3 Density 1st Reading REGULAR COUNCIL.docx |
| Attachments: | |
| Final Approval Date: | Jun 4, 2019 |

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

No Signature - Task assigned to Dolores Sheets was completed by assistant Daniel Drexler

Dolores Sheets - Jun 4, 2019 - 3:26 PM

Diane Heinrich - Jun 4, 2019 - 3:30 PM



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.

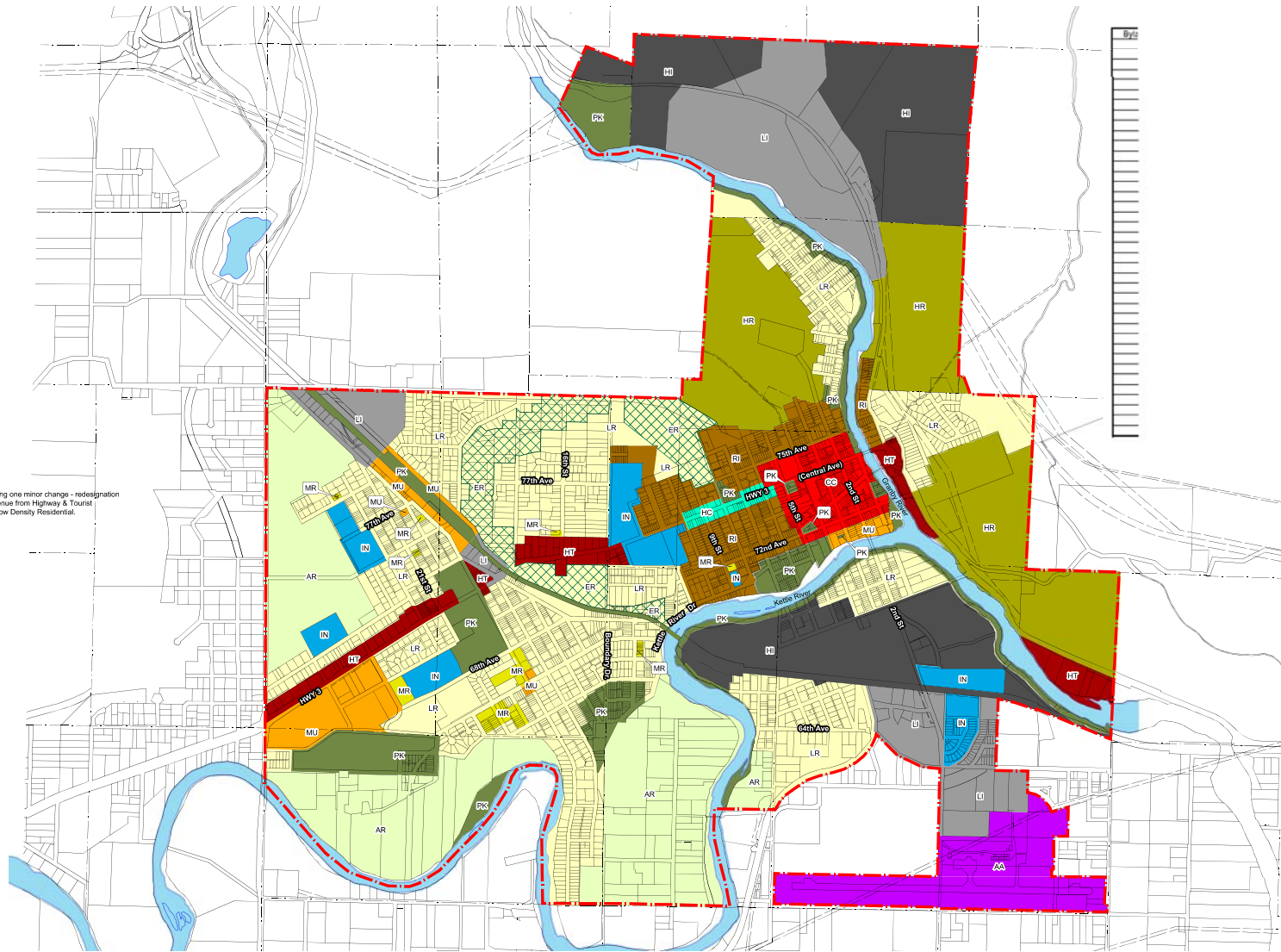
0 250 500 750 1,000 Meters

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



File Path: \\Projects_MEL\0786001\01\0\Drafting Design Analysis\CADD\GIS\Map\COF\FW\0786001\01 ProposedScheduleB...MWD DATE: (2011-01-24)



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

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Final Reading – Bylaw No. 2039-A2 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 final reading to Bylaw No. 2039-A2.**

Background

On February 25, 2019, Council gave third reading to Bylaw No. 2039-A2 and resolved that the bylaw not proceed to final reading until the servicing agreement, development permit and all other identified issues are resolved to the satisfaction of the City.

The proponent has addressed these requirements, and the bylaw has been approved by the Ministry of Transportation and Infrastructure. A servicing agreement has successfully been negotiated and a development permit application is scheduled for Council's consideration at the regular meeting of June 10, 2019 (under separate cover).

It is therefore appropriate to give fourth and final reading to the rezoning bylaw.

A copy of the previous reports on this rezoning (Lone Pine Mobile Home Park) are attached in Appendix "A".

Benefits or Impacts

Strategic Impact



Community Engagement

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



Community Livability

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



Economic Growth

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



Fiscal Responsibility

- The servicing and development costs will be borne by the developer.

Policy/Legislation

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

Attachments

Appendix "A": Previous reports on the rezoning and the bylaw.

Recommendation

THAT Council gives final reading to Bylaw No. 2039-A2.

Options

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

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-06-10 ZA1902 Final Reading CD-1 Mobile Home Park.docx |
| Attachments: | - 2019-06-10ZA1803 Bylaw 2039-A2 MPH APPENDICES Final.pdf |
| Final Approval Date: | Jun 4, 2019 |

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

Dolores Sheets - Jun 4, 2019 - 10:57 AM

Diane Heinrich - Jun 4, 2019 - 1:57 PM

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 give 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. 2039-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 give 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.

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-01-28-ZA1803-North_Boundary_Drive_Mobile_Home_Park.docx |
| Attachments: | - Bylaw 2039-A2 CD1 Zone Final 2019-01-28.pdf |
| Final Approval Date: | Jan 17, 2019 |

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

Dolores Sheets - Jan 17, 2019 - 3:59 PM

Diane Heinrich - Jan 17, 2019 - 4:13 PM

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: February 25, 2019

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

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

Background

Overview

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

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

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

Public Notification

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

Issues to be Resolved Prior to Bylaw Adoption

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

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

Development Permit Required

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

Timing

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

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

Benefits or Impacts

General

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

Strategic Impact



Community Engagement

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



Community Livability

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



Economic Growth

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



Fiscal Responsibility

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

Policy/Legislation

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

Attachments

Bylaw No. 2039-A2

Recommendation

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

Options

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

Report Approval Details

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

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

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

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

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A2

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

=====

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

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

“59 CD (Comprehensive Development) Zones

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

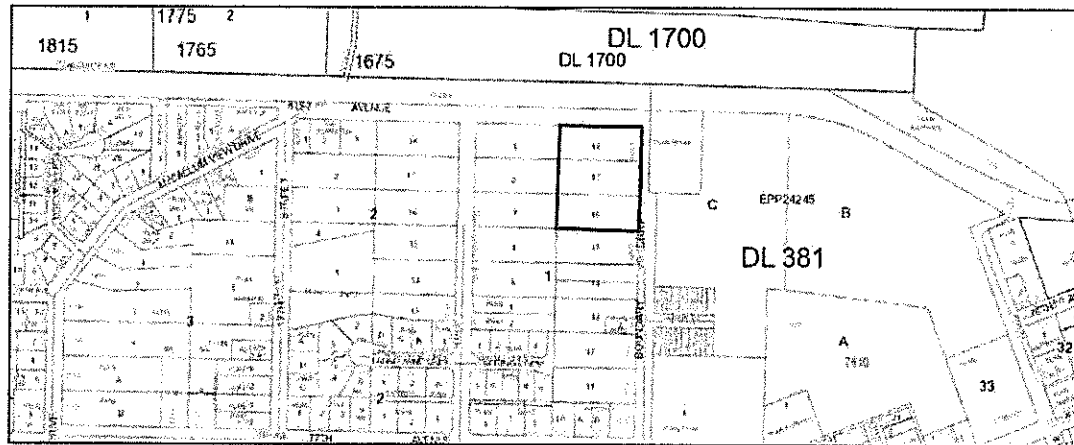
- a) sensitive ecosystem protection;
- b) to ensure specific design and permitted use provisions;
- c) to accommodate affordable or innovative housing; and/or
- d) to encourage development with unique elements of benefit to the community.

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

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

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

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



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

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

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

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

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

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

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

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

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

3. Incorporation

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

Read a **FIRST** time this 28th day of January, 2019.

Read a **SECOND** time this 28th day of January, 2019.

Read a **THIRD** time this 25th day of February, 2019.

APPROVED by the Ministry of Transportation and Infrastructure this 14 day of May, 2019.

Chantance Finkel May 14/19

FINALLY ADOPTED this day of , 2019.

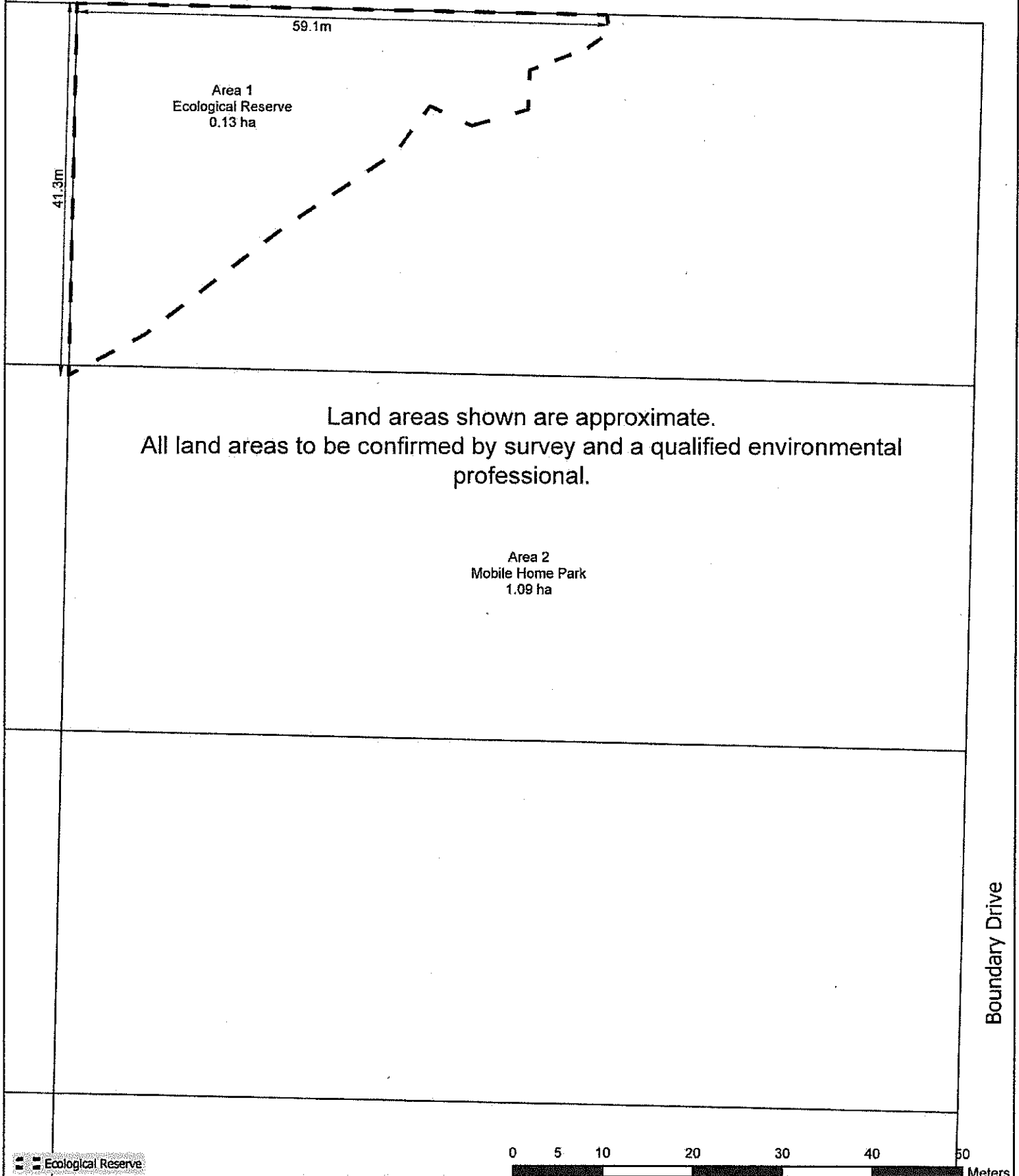
Mayor Brian Taylor

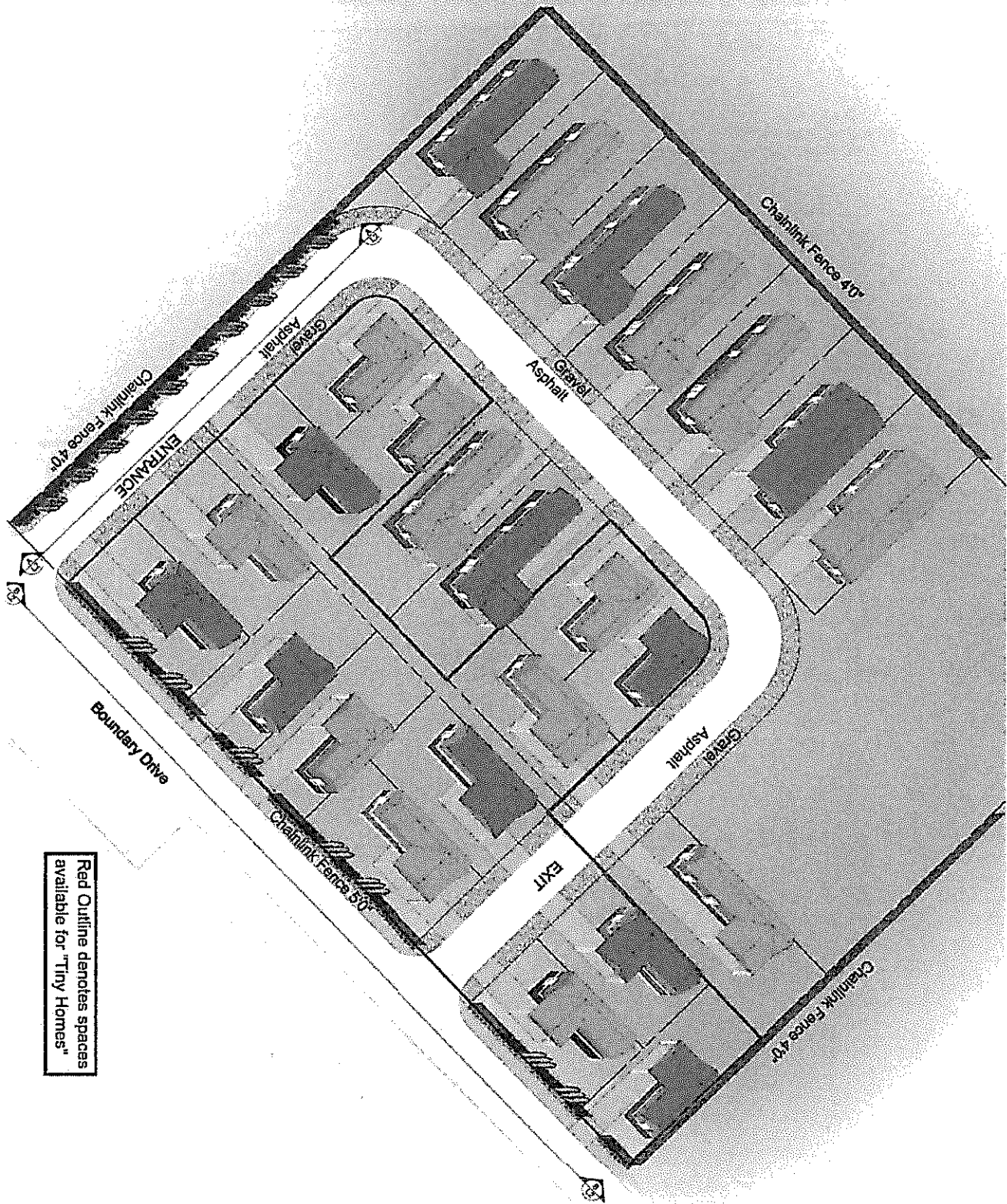
Corporate Officer Daniel Drexler

CERTIFICATE

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

Corporate Officer of the Corporation of the
City of Grand Forks





Red Outline denotes spaces available for "Tiny Homes"

11

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



| REVISIONS | |
|-----------|-------------|
| DATE | DESCRIPTION |
| | |
| | |
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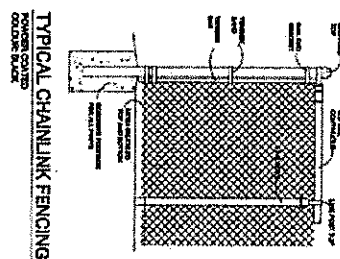
CONCEPT LAYOUT

Lone Pine Manufactured Home Park, Grand Forks BC
2018

Schedule "A-3" - Landscape Plan

PLANT LIST

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



Southern Border



Boundary Drive



LANDSCAPE PLAN

SOUTHERN BORDER & BOUNDARY DRIVE

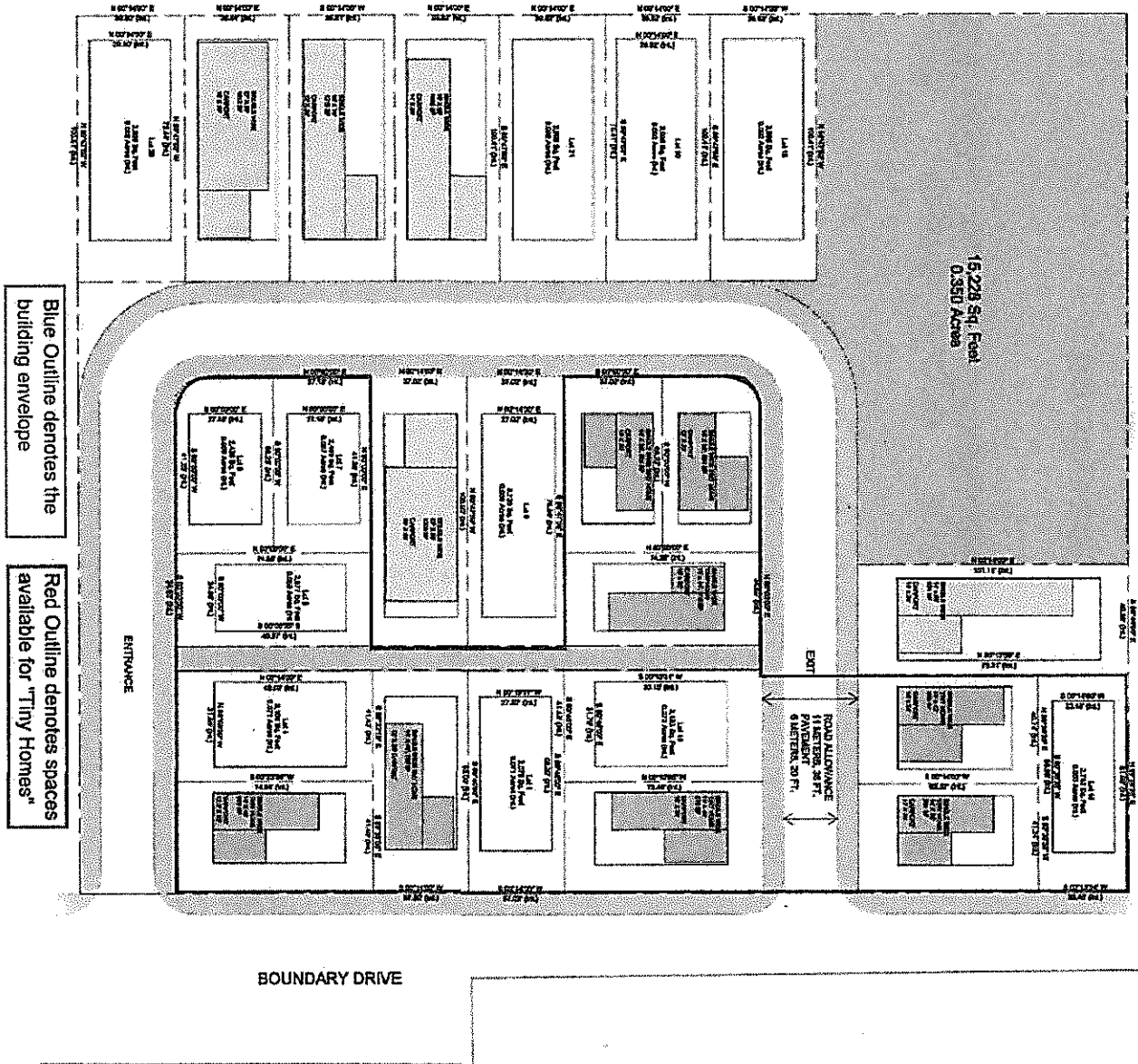
Lone Pine Manufactured Home Park, Grand Forks BC
2018

12

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

| REVISIONS | DATE | BY | DESCRIPTION |
|-----------|------|----|----------------|
| 1 | | AC | Initial Design |
| 2 | | AC | Revised Design |
| 3 | | AC | Final Design |

Schedule "A-4" - Site Plan



L3

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



| REVISIONS | DATE | BY |
|-----------|----------|----|
| 1 | 12/18/18 | AC |
| 2 | 12/18/18 | AC |
| 3 | 12/18/18 | AC |
| 4 | 12/18/18 | AC |
| 5 | 12/18/18 | AC |
| 6 | 12/18/18 | AC |
| 7 | 12/18/18 | AC |
| 8 | 12/18/18 | AC |
| 9 | 12/18/18 | AC |
| 10 | 12/18/18 | AC |

25 MOBILE HOME SITES

Lone Pine Manufactured Home Park, Grand Forks BC
2018

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Development Permit Application – Environmentally Sensitive Area on North Boundary Drive, Proposed Mobile Home Park and Ecological Reserve (File: DP1904)

Recommendation: **THAT Council approves Development Permit Application No. DP1904 for a mobile home park and protection of an ecological reserve area on the 8000 block of Boundary Drive, legally described as Lots 16, 17 and 18, Block 1, Plan KAP586, District Lot 380, Land District 54.**

Background

Overview

The City has received a development permit application to address environmental issues adjacent to a future mobile home park on the west side of the northerly extent of Boundary Drive. The site location and application details are in Appendix “A”.

A portion of the most northerly Lot 18 contains a wetland and is located within the “Environmentally Sensitive Area (“ESA”) Development Permit Area”. Therefore, before proceeding with development of the mobile home park, a development permit to address the protection of the wetland is required. It is noted that the wetland area will be zoned as an ecological reserve and become part of the City’s protected natural area network.

The applicant engaged a qualified environmental professional to define the wetland and setback area. A copy of the report submitted, including a survey of the wetland area, is attached in Appendix “B”.

Zoning Bylaw Amendment

A zoning bylaw amendment to rezone this property to CD-1 (Mobile Home Park and Ecological Reserve) was given 3rd reading by City Council on February 25th, 2019. Council stipulated that this bylaw could not proceed to final reading until the servicing agreement, development permit and all other identified issues are resolved to the satisfaction of the City. A servicing agreement has successfully been negotiated and staff is recommending that Council proceed with final reading of the zoning bylaw amendment on June 10, 2019 (see report and recommendation under separate cover).

Environmentally Sensitive Area Guidelines

The purpose of the Environmentally Sensitive Development Permit Area is to protect the oxbow and wetland at this location, to address high water table levels, connectivity among the wetlands and to retain the natural area’s biodiversity and bird/animal habitat.

The guidelines (from Section 14.6.2 of the Official Community Plan) for this development permit area and a summary of how this proposal responds to the guidelines are described in Table 1 below:

| Table 1: Environmentally Sensitive Area - Development Permit Area Guidelines | |
|---|---|
| Guideline | Comments |
| 1. Wetlands should be adequately buffered by natural vegetation to filter out contaminants from storm water runoff and protect aquatic habitat and amenity values. In general, a minimum setback of at least 15 meters is needed for a buffer to assimilate pollutants. Building setbacks should be calculated from the landward edge of the wetland, at high water. | Natural vegetation will remain intact up to 15 metres from the edge of the wetland. |
| 2. On site deposit of fill or construction materials that may affect the size, water quality, or ecological integrity of wetlands is discouraged, and will be subject to approval by the City and the Ministry of Environment. | Storm water retention and site runoff will be managed and low impact development standards implemented. |
| 3. Other mitigation measures for wetlands may be required by the City and the Ministry of Environment. | Mitigation will occur as per the development permit. |
| 4. Do not clear, grub or remove trees or undergrowth from the wetland area of the site without prior approval from the Ministry of Environment. | No clearing proposed. |
| 5. Re-vegetation within and adjacent to the wetland should be with native species appropriate to the site. | Re-vegetation to occur as per the development permit. |
| 6. Where the Ministry of Environment has requested it, vegetation or trees should be planted or retained in order to control erosion, protect banks or protect water quality and fisheries. | n/a |
| 7. Where disturbance of the Environmentally Sensitive Area is unavoidable in order to construct or repair road, water, sewer, drainage, gas, underground wiring or other infrastructure, soil conservation measures such as silt fencing, matting and trapping should be used. The disturbed areas should then be replanted with natural vegetation immediately after the construction or repair is complete. | n/a, no disturbance proposed. |
| 8. The sequence and timing of development should consider important fish and wildlife activities such as breeding, nesting and spawning seasons, and assist in minimizing soil erosion. | n/a, no disturbance proposed. |
| 9. Areas to be preserved free of development should be temporarily fenced or otherwise protected from damage prior to starting development of the site, with care taken | There will be a fence or other separation between the ecological reserve area and the mobile home park. |

| Table 1: Environmentally Sensitive Area - Development Permit Area Guidelines | |
|--|---|
| Guideline | Comments |
| to include the root system of the trees within the fenced area. | |
| 10. Infrastructure and facilities that allow public access and passive recreational uses should be planned in such a way that public safety is ensured, landowners are not disturbed, and there are no significant impacts on the area's ecological features and functions | n/a, no public access proposed (viewing access is provided from the old rail grade to the north). |

Development Permit

A draft Development Permit No. DP1904 is attached in Appendix "C". It outlines, among other conditions, requirements for development, setbacks and mitigation measures to minimize impacts of the mobile home park on the adjacent wetlands.

Conclusion

This application complies with the environmental guidelines in the Official Community Plan and the requirements of the CD-1 zone (scheduled for final reading on June 10th, 2019). The environmentally sensitive area will be protected through a specific ecological zoning designation and measures will be taken to protect it during and after development of the mobile home park. In view of this, staff is recommending that the development permit be approved.

Benefits or Impacts

General

The development and mitigation conditions in this development permit will help retain and protect the natural wetland area on the site and contribute to the natural protected area network in the City.

Strategic Impact



Community Engagement

- The zoning bylaw amendment associated with the application was considered at a Public Hearing and nearby property owners were advised of the project in writing.



Community Livability

- The conditions of this permit will provide for an ecological reserve helping offset carbon emissions and create protected natural open space in the community for plants, birds and animals.

Policy/Legislation

The Official Community Plan and the Local Government Act.

Attachments

Appendix “A”: Site and Application Information

Appendix “B”: Report from the Qualified Environmental Professional

Appendix “C”: Draft Development Permit No. DP1904

Recommendation

THAT Council approves Development Permit Application No. DP1904 for a mobile home park and protection of an ecological reserve area on the 8000 block of Boundary Drive, legally described as Lots 16, 17 and 18, Block 1, Plan KAP586, District Lot 380, Land District 54.

Options

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

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-06-10 DP1904 North Boundary Drive Mobile Home Park.docx |
| Attachments: | - 2019-06-10 DP1904-Appendices.pdf |
| Final Approval Date: | Jun 3, 2019 |

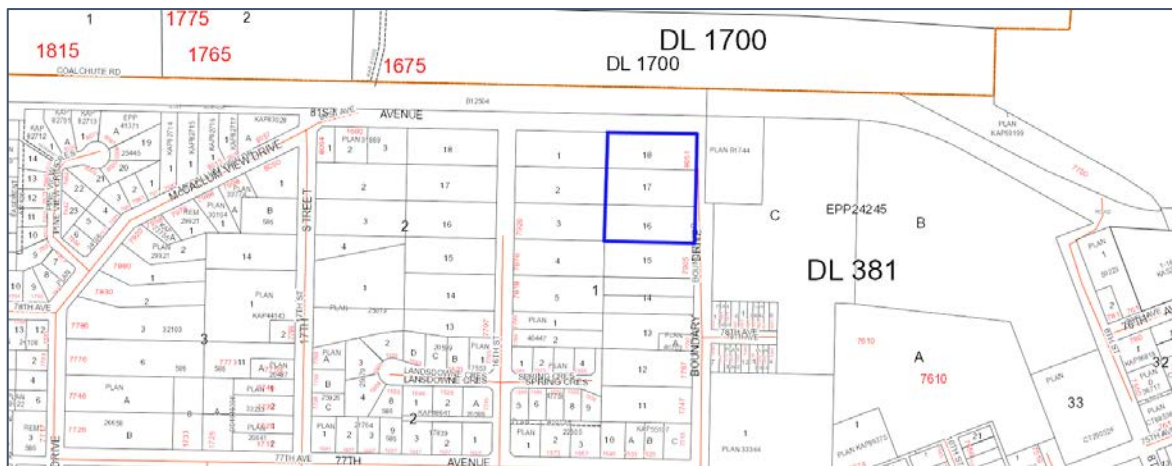
This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - May 31, 2019 - 3:43 PM

Diane Heinrich - Jun 3, 2019 - 9:20 AM

Appendix "A"

Site and Application Information Development Permit Application No. 1904 Proposed Mobile Home Park and Ecological Reserve on Boundary Drive



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).

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)

Proposal: A portion of the site is located in an environmentally sensitive area and a development permit is required to ensure that the proposed 25-unit Mobile Home Park does not compromise the natural integrity of the adjacent wetlands.

Adjacent Land Uses:

North – vacant wetlands and old rail bed trail (City-owned)

South – house/small farm (house is close to property line, zoned R1)

East – farm buildings and fields (zoned R1)

West – vacant wetlands/natural areas (zoned R1)

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

Proposed Zoning: Comprehensive Development ("CD") Zone 1 (scheduled for final bylaw reading concurrent with this Development Permit approval on June 10, 2019).

OCP Land Use Designation: Low Density Residential (LR) which permits up to 20 units per hectare. Northerly Lot 18 is designated Environmental Resource Area (ER).

Development Permit Area: The most northerly Lot 18 is within the Environmentally Sensitive Development Permit Area ("DPA") and therefore requires a Development Permit.





| | |
|--|---|
| To Vadim Kobasew | From Tim Gray, M.E.T., R.P.Bio |
| Company Orchard Land Properties Inc. | MCSL Branch 2422 - Penticton |
| Re Proposed Lone Pine MHP, Grand Forks, BC | Date February 15, 2019 File Number 2422-20216-00 |

Wetlands are ecologically sensitive due to their rarity, high biodiversity, fragility, high incidence of at-risk species and their important landscape level hydrological functions. The City of Grand Forks Bylaw No 2052 defines a wetland as *"land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic (water-tolerant) vegetation, and various kinds of biological activity which are adapted to a wet environment"* (Bylaw No. 2052).

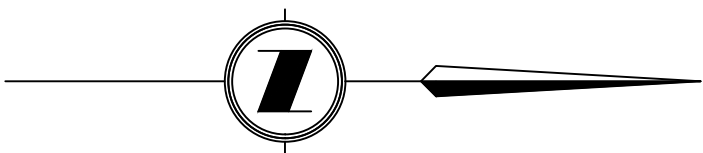
Attached **Drawing CO-1** identifies the wetland boundary. The proposed Lone Pine MHP location was visited on January 16, 2019 by a Professional Biologist to determine the wetland boundary near the north west corner of the property (PID 012-190-217), located at the northerly end of Boundary Drive, in Grand Forks, BC. The presence of hydrophytic vegetation is a primary indicator of wetland presence and was relied upon to identify the wetland boundary within the property (BC MOE, 2015). The presence of a thin snow layer was sub-optimal but did not preclude identification of perennial vegetation. Local topography, which includes a prominent bank separating the cultivated field from the wetland, facilitated wetland boundary identification with adequate confidence. A soils assessment was not completed as the ground was frozen at the time of assessment.

The wetland comprises a near monoculture of Common Cattail (*Typha latifolia*), with some Reed Canary Grass (*Phalaris arundinacea*) and is part of a larger wetland complex that extends well beyond the property boundary. The remainder of the property is a cultivated field. The riparian area at the margin of the cultivated field is dominated by what appeared to be an invasive knapweed (*Centaurea sp.*).

LITERATURE CITED:

British Columbia Ministry of Environment (BC MOE), 2015. Guide to Identification of Low-Elevation Wetlands in the Okanagan using Primary Indicators. Available at:
<http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?subdocumentId=10211>

Corporation of The City of Grand Forks Bylaw No. 2052, 2018. A Bylaw to dedicate Nature Parks. Available at:
<http://www.grandforks.ca/wp-content/uploads/bylaws/By2052-Nature-Park-repeals-By2035.pdf>

[illegible]

VADIM KOBASEW
PO BOX 779 OSOYOOS, BC V0H 1V0

LONE PINE DEVELOPMENT SITE
SITE PLAN
GRAND FORKS

| | |
|----------------|-----------|
| Drawing No. | C01 |
| Project Number | 202216-00 |



DRAFT

ISSUED TO:

Vadim Kobasew
PO Box 779, Osoyoos, BC V0H 1V0
(the “Permittee”)

Development

This Development Permit authorizes the development of a 25 unit mobile home park and an ecological reserve on the 8000 block of Boundary Drive in Grand Forks, BC.

General

1. The purpose of this Development Permit is to ensure that the authorized development complies with Section 14.6.2 of the Official Community Plan respecting development within the “Environmentally Sensitive Area Development Permit Area”, such development being adjacent to natural wetlands and bird/animal habitat.
2. This Development Permit is issued subject to compliance by the Permittee with all bylaws, orders, regulations or agreements except as specifically varied or supplemented by this Development Permit.
3. This Development Permit applies to that real property including land with or without improvements located within the City of Grand Forks, with the legal description as follows:
 - Lot 16, Block 1, Plan KAP586, District Lot 380, Land District 54
PID: 012-190-136.
 - Lot 17, Block 1, Plan KAP586, District Lot 380, Land District 54
PID: 012-190-152.
 - Lot 18, Block 1, Plan KAP586, District Lot 380, Land District 54
PID: 012-190-217.
4. The lands described above (Item No. 3) must be consolidated into one lot prior to the issuance of a building permit, and proof of consolidation and the new legal description must be transmitted to the Manager of Development, Engineering and Planning prior to a building permit being issued.
5. This permit is not transferrable unless specifically permitted by the City. The authorization to transfer the permit shall, if deemed acceptable, be granted by Council resolution.
6. This Development Permit shall lapse if the Permittee does not substantially start any construction with respect to which this development permit is issued, within two (2) years after the date this development permit is issued.

Terms and Conditions

7. The Permittee shall develop the property as shown generally on the site plan in Appendix “B”. Securities in the form acceptable to the City for the provision of landscaping and mitigation

may be required prior to the issuance of a Building Permit. Any minor changes or substitutions will be subject to approval by the Manager of Development, Engineering and Planning.

8. The issuance of the Development Permit and/or a Building Permit may be subject to completion of a servicing agreement:
 - a. Executed between the Permittee and the City of Grand Forks;
 - b. Prepared at the cost of the Permittee and submitted to the City for review and acceptance;
 - c. Contents of this agreement shall ensure the implementation of environmental and engineering designs and reports completed by Professional Engineers and Qualified Environmental Professionals at the Permittee's expense, subject to the City's review and acceptance;
 - d. Requirements identified may include (but not be limited to) water services, sanitary sewer services, drainage and storm water requirements, street lighting, fire hydrants, frontage upgrade (sidewalk, curb and gutter), landscaping and other requirements as per the Grand Forks Subdivision, Development and Servicing Bylaw.
9. Sustainable Development elements to be included as part of the development include:
 - a. Drought resistant (xeriscape) landscaping;
 - b. Bio-swale drainage and water conservation measures;
 - c. Dark-sky friendly LED lighting for communal outdoor areas; and,
 - d. Plantings, landscaping and on-site storm water management.
10. The Permittee shall prepare and follow a construction and mitigation work plan to the satisfaction of the City of Grand Forks. This shall include:
 - a. Provision for a pre-construction meeting with City staff and a communications protocol;
 - b. Hours of construction (compliance with Grand Forks Noise Bylaw);
 - c. Parking of equipment;
 - d. Parking of employee/worker vehicles;
 - e. Dust control;
 - f. Delivery vehicle routes;
 - g. Flagging requirements; and,
 - h. Other requirements deemed necessary by the City of Grand Forks.
11. A monitoring and inspections schedule for work being undertaken and to be completed is required:
 - a. For matters pertaining to the servicing agreement - these are to be included in the said agreement;
 - b. For matters involving the landscape and mitigation plan and exterior site development, these shall be as follows:
 - i. Substantial completion - the amount of Securities may be reduced by the amount agreed upon by the City of Grand Forks and the Permittee's Landscape Architect or reputable site designer, and Qualified Environmental Professional;
 - ii. Final completion - relinquishing all obligations of the Securities as agreed upon by the City of Grand Forks and the Permittee's Landscape Architect or reputable site designer, Qualified Environmental Professional; and,
 - iii. Holdback release - final release of 10% Securities holdback subject to inspection of landscaping and mitigation works one year from final completion.
12. Development Cost Charges (DCC's) under the City of Grand Forks Bylaw No. 1425 shall be paid to the City of Grand Forks; due no later than at the Building Permit approval stage.

13. The development of the site will require a Building Permit to be issued pursuant to the BC Building Code and the City's Building Bylaw.
14. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit, within the time provided, the City may use the security to carry out the work by its servants, agents or contractors and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permittee.
- The security shall be in the form of a letter of credit, bond or certified cheque;
 - The amount of the security will be based on the estimated full costs of the landscaping and exterior site development; and,
 - Said costs are to be estimated and submitted to the City for approval by a Landscape Architect or reputable site designer or contractor.
15. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Development Permit, the Servicing Agreement and any plans and specifications attached to the Permit which shall form a part hereof.
16. This Permit is not a Building Permit.
17. Upon enacting the requirements of this permit, the Permittee hereby covenants and agrees to save harmless and effectually indemnify the City against:
- a. All actions and proceedings, costs, damages, expenses, claims and demands whatsoever brought, due to the City granting the said permit;
 - b. All costs, expenses, claims that may be incurred by the City, if the construction of engineering or other types of works as called for by the Permit results in damage to any property owned in whole or in part by the City or which the City by duty or custom is obligated directly or indirectly in any way or in any degree, to construct, repair, or maintain; and,
 - c. The Permittee further covenants and agrees that when granted this Development Permit, the City may withhold granting any Occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works called for by the Permit and servicing agreement have been completed to the satisfaction of the City's Engineer and the Manager of Development, Engineering and Planning.
18. Should there be any changes in ownership or legal description of the property, the Permittee shall undertake to notify the Manager of Development, Engineering and Planning immediately.

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF GRAND FORKS AT A REGULAR MEETING HELD THE 10th day of June, 2019.

Daniel Drexler, Corporate Officer
City of Grand Forks, BC

Development Permit ISSUED this _____ day of _____, 2019.

Dolores Sheets, Approving Officer, City of Grand Forks, BC

Request for Decision



To: Regular Meeting

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 Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 and 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.**

Background

At the Committee of the Whole meeting on the morning of June 10, 2019, Council discussed and considered a proposed rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural uses on the 7600 Block of 8th Street.

Staff recommended to Committee of the Whole to give first and second reading to the rezoning bylaw.

The purpose of this report is to recommend that first and second reading be given by Council at the regular meeting on June 10, 2019.

Attached in Appendix “A” is a report and background information about the proposed rezoning as presented to Committee of the Whole.

Benefits or Impacts

See attached

Attachments

Appendix “A”: Corporate Report File: ZA1902

Recommendation

THAT Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 and 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.

Options

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

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2019-06-10 Bylaw 2039-A4-ZA1902 1st Reading REGULAR COUNCIL.docx |
| Attachments: | - 2019-06-10 Bylaw 2039-A4-ZA1902-8th St 1st 2nd Reading Corporate Report APPENDIX A.pdf |
| Final Approval Date: | Jun 4, 2019 |

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

Dolores Sheets - Jun 4, 2019 - 11:08 AM

Diane Heinrich - Jun 4, 2019 - 1:55 PM

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 Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the regular meeting of June 10, 2019; and FURTHER, 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.**

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 Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the regular meeting of June 10, 2019; and FURTHER, 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.

Options

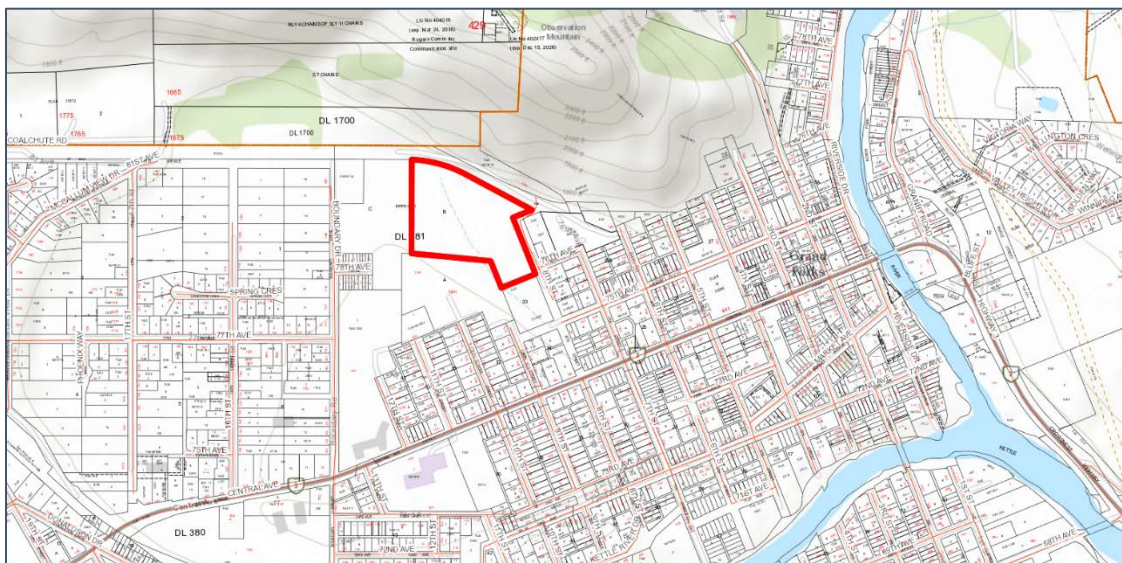
1. THAT Committee of the Whole accepts the report.
 2. THAT Committee of the Whole does not accept the report.
 3. THAT Committee of the Whole refers the matter back to staff for further information.
-

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.

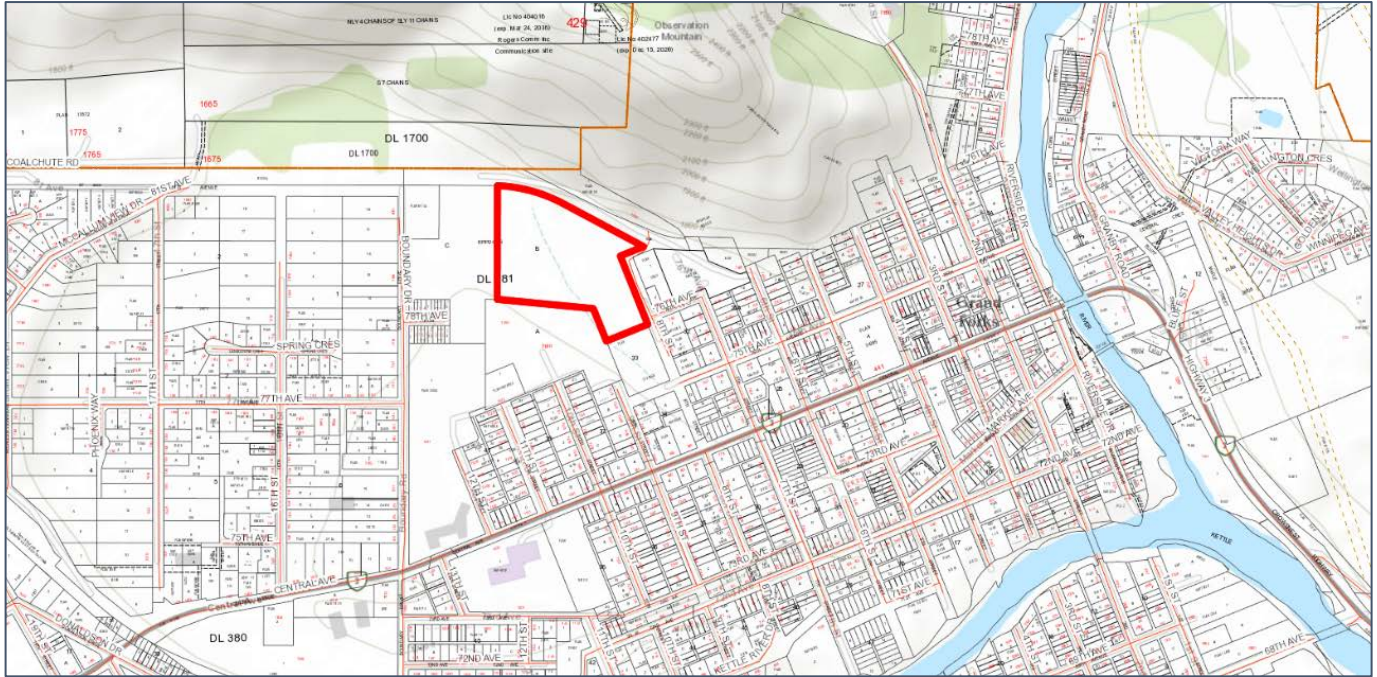
Mayor Brian Taylor

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: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Third Reading - Bylaw No. 2039-A6, Rezoning from R1 – Residential to CD – 2 Comprehensive Development – City Owned Lots A, B, C and D on 70th Avenue (FILE: ZA1904).

Recommendation: **THAT Council, after due consideration of community input and results of the Public Hearing, considers Zoning Bylaw Amendment No. 2039-A6 for third reading.**

Background

On May 21, 2019, Council gave first and second reading to Zoning Bylaw Amendment No. 2030-A6 which would rezone 0.28 hectares on 70th Avenue from R1 (Residential – Single & Two Family) to CD 2 (Comprehensive Development 2) to accommodate a supportive housing project and other community uses.

The proposed rezoning moved forward to public notification and public hearing. As a result, the City received numerous submissions in opposition, copies of which were transmitted to City Council by way of a memo on May 31, 2019. A statutory public hearing was held on June 5, 2019 at which Council received and heard the views of the community about the proposed rezoning. A report on the results of both the notification process and public hearing will be provided to City Council under separate cover.

Council is obligated to consider the views of the community along with site suitability, cost implications and community benefits. If the proposed bylaw is given 3rd reading, it will proceed as outlined in the table below. If the bylaw does not pass 3rd reading, the zoning on the site will remain R1 and BC Housing may proceed with a development permit application on the 2nd Street site.

If the bylaw receives 3rd reading, it may proceed as follows:

| Date | Activity |
|---|---|
| May 21 st | Council considers the zoning bylaw amendment for 1 st and 2 nd reading. |
| May 22 nd & May 29 th | Notice of the zoning bylaw amendment advertised in the Gazette. Property owners within 30m of the site notified of public hearing. |
| June 5 th | Public Hearing (3pm-6pm in Council Chambers). |

| Date | Activity |
|-----------------------|---|
| June 10 th | <i>Council considers zoning bylaw amendment for 3rd reading (Regular Council meeting at 7pm).</i> |
| June 11 th | Zoning bylaw amendment forwarded to Ministry of Transportation and Infrastructure (MOTI) for approval/signature. |
| June 24 th | Zoning bylaw amendment receives 4 th and final readings. |

Conclusion

In accordance with City Council's directive to facilitate a three- or four-story supportive housing project specific to this site, Zoning Bylaw Amendment No. 2039-A6 (see Appendix "A") was drafted and is under consideration for 3rd reading.

After reviewing and considering community input (along with site suitability, cost implications and community benefits), Council can either give the rezoning bylaw 3rd reading or not. If 3rd reading is not endorsed, the supportive housing project may proceed to development permit application on the 2nd Street site.

Benefits or Impacts

Strategic Impact



Community Engagement

- The zoning amendment proposal and public hearing were advertised twice in the local paper and landowners within 30 metres of the proposal were notified.



Community Livability

- The rezoning of this site to CD-2 (Comprehensive Development) will allow for land uses consistent with community and public benefit.



Economic Growth

- The rezoning may increase the value and development potential of the site especially with respect to community-related development.



Fiscal Responsibility

- The rezoning itself does not involve financial commitments. However, if the supportive housing project goes forward, Council will be committed to providing an estimated \$500,000 toward the project.
- This may entail bylaw amendments to the Financial Plan and other arrangements to secure the financial commitments agreed to between BC Housing and the City.

Policy/Legislation

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

Attachments

Appendix A: Bylaw No. 2039-A6 (Zoning Bylaw Amendment).

Recommendation

THAT Council, after due consideration of community input and results of the Public Hearing, considers Zoning Bylaw Amendment No. 2039-A6 for third reading.

Options

1. THAT Council gives Bylaw 2039-A6 3rd reading.
2. THAT Council does not give Bylaw 2039-A6 3rd reading.
3. THAT Council refers the matter back to staff for further information.

Appendix “A”
Zoning Bylaw Amendment No. 2039-A6

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A6

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-A6, 2019**”.
2. Zoning Bylaw No. 2039 is amended as follows:
 - a. **ADD** to Section 2. Definitions, under subsection 2.1, in alphabetic order, a new definition as follows:

“Supportive Housing means housing consisting of dwellings with support services onsite that may or may not include collective dining facilities, laundry facilities, counselling, educational services, homemaking and transportation.”
 - b. **ADD** to subsection 26.10, Table 2: Class of Building/Use: Required Number of Spaces, under Congregate care and rest homes, “*and other housing with supportive services*”.
 - c. **INSERT** under Part VI Zones, a new subsection 59.4 “CD-2 (Comprehensive Development 2) Zone (City-Owned Lands on 70th Avenue)”, as follows:

59.4 CD-2 (Comprehensive Development 2) Zone (City-Owned Lands on 70th Avenue)

59.4.1 Every subsection in Section 59.4 refers to the CD-2 (Comprehensive Development) Zone.

59.4.2 Location: This zone applies to Lot A, DL 380, SDYD, KAP22999; Lot B, DL 380, SDYD, KAP22999; Lot C, DL 380, SDYD, KAP22999; and, Lot D, DL 380, SDYD, KAP22999 (as may or may not be consolidated).

59.4.3 Intent: The intent of this zone is to allow for the development of community uses and a supportive housing project on lands owned by the City on 70th Avenue.

59.4.4 The following uses and no others are permitted:

 - (a) libraries;
 - (b) museums;

- (c) hospital, including medical clinic, dental clinic, ambulance station, rest home or private hospitals;
- (d) post office;
- (e) community events centre;
- (f) community use service;
- (g) open space passive recreational areas;
- (h) municipal, local government or educational buildings, day care centers;
- (i) senior citizen complexes, senior activity centres and congregate care facilities;
- (j) any building or structure operating under a private-municipal partnership agreement;
- (k) supportive housing developed and operated under a provincial-municipal partnership agreement.

59.4.5 Permitted accessory uses, and buildings include:

- (a) buildings or structures accessory to a permitted use.

59.4.6 There is no minimum parcel size.

59.4.7 No accessory building shall have a floor area greater than 50% of the principal structure.

59.4.8 No building or structure shall exceed 18 metres in height, except fire halls.

59.4.9 Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:

- (a) 6 metres of a front parcel line;
- (b) 1.5 metres of an interior side parcel line;
- (c) 3 metres of an exterior side parcel line, or
- (d) 6 metres of a rear parcel line.

59.4.10 See Sections 12 to 33 of this bylaw.

- d. The properties legally described as Lot A, Plan KAP22999, District Lot 3080 SDYD and Lot B, Plan KAP22999, District Lot 3080 SDYD and Lot C, KAP22999, District Lot 3080 SDYD and Lot D, KAP22999, District Lot 3080 SDYD, as shown shaded in the sketch plan attached hereto as Schedule 1 are hereby rezoned from R1 (Single & Two Family Residential 1) to CD 2 (Comprehensive Development 2).
- e. Schedule "A" Land Use Zoning Map is hereby amended accordingly.

Read a **FIRST** time this 21st day of May, 2019.

Read a **SECOND** time this 21st day of May, 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-A6 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

Schedule A

Zoning Bylaw No. 2039-A6



Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2019-05-10 Bylaw 2039-A6 Lots ABCD 70th Ave 3rd Reading.docx |
| Attachments: | |
| Final Approval Date: | Jun 4, 2019 |

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

Dolores Sheets - Jun 4, 2019 - 11:43 AM

Diane Heinrich - Jun 4, 2019 - 1:47 PM