

# 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:

Work:

Email:

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, [REDACTED], 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.

[REDACTED]  
(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: [REDACTED]

Email: [REDACTED]

[REDACTED]  
Owner(s) Signature of Authorization

## DEVELOPMENT VARIANCE PERMIT APPLICATION

### APPENDIX A

To: The Corporation of the City of Grand Forks  
7217 – 4<sup>th</sup> 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 <sup>1</sup>
Rossland	Not permitted within 150m of the property line of a site containing a school or a youth centre <sup>2</sup>
Sooke	Not permitted within 300m of the nearest property line of a site containing a school <sup>3, 4</sup>
Trail	Not permitted within 100m of any school, recreation centre, youth centre or daycare centre <sup>5</sup>
Vancouver	Not permitted within 300m of the nearest property line of a site containing a School – Elementary or Secondary, Community Centre, or Neighbourhood House <sup>6</sup>

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

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

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

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

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

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

<sup>6</sup> <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 4<sup>th</sup> 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 75<sup>th</sup> Avenue and 19<sup>th</sup> 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 – 4<sup>th</sup> 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](http://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 )

**JENNIFER CAO**  
**DAVISON LAW GROUP**  
*Barristers & Solicitors*  
 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 9<sup>th</sup> 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**

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2

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.**

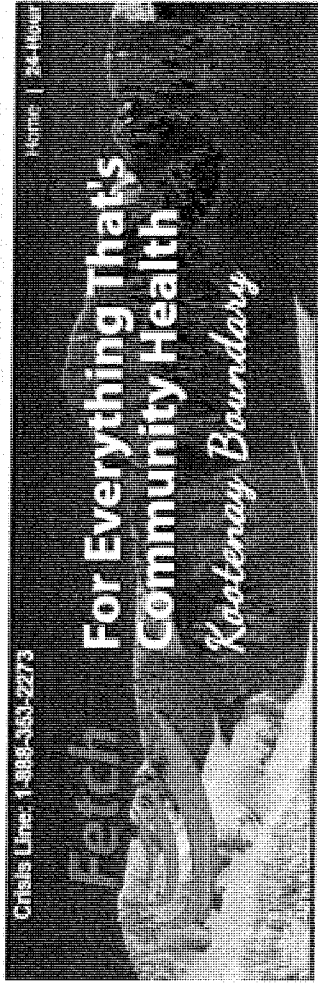
**Carried**

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Mayor Frank Konrad

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Deputy Corporate Officer – Daniel  
Drexler



## Child Care Resource and Referral Program - Boundary

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

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

Services include:

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

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

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

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

A Commissioner for taking Affidavits for British Columbia

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

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

**Service Details**  
Geographic areas served : Grand Forks

**Categorization**  
[Children, Youth & Families](#) > [Child Care Resources](#) > [Child Care Resource and Referral \(CCRR\)](#)

**Web Links**  
[Website](#) [Email](#)

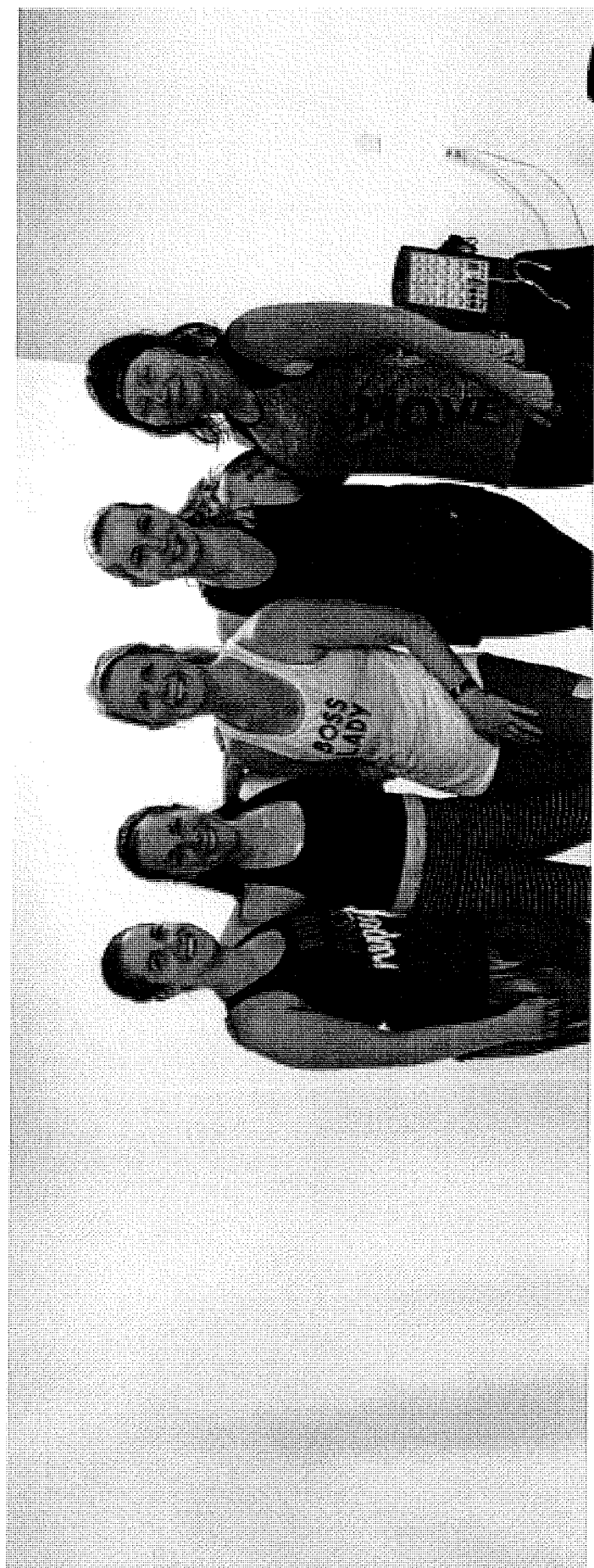
**Location Map**

Map Satellite

**Child Care Resource and Referral Program - Boundary**  
7320 4th Street  
Grand Forks, BC  
V0H 1H0  
Phone: (250) 442-5152

VALLEY HEIGHTS  
Grand Forks

Map data ©2019 Google. Terms of Use. Report a map error.



## 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)

8:15pm 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.**

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## 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 <sup>th</sup> , 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 <sup>th</sup> , 2019

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

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## Benefits or Impacts

### General

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

### Strategic Impact



#### Community Engagement

- The public 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

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### 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 <sup>th</sup> , 2019
Public Hearing held by City Council.	February 11, 2019
Third and final reading of the zoning bylaw amendment.	February 11, 2019 (subject to results of Public Hearing)
Implementation.	February, 2019

## Benefits or Impacts

### General

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

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

### Strategic Impact



#### Community Engagement

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



#### Community Livability

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



#### Economic Growth

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



#### Fiscal Responsibility

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

### Policy/Legislation

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

### Attachments

Zoning Bylaw Amendment No. 2039-A3, 2019

**Recommendation**

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

**Options**

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

THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A3

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

=====

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

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

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

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

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

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

40.7 The following types of dwelling units are allowed:

    - (a) multi-family dwellings;

(b) apartment buildings.

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

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

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

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

**PUBLIC HEARING HELD** this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

---

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

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

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

**CERTIFICATE**

I hereby certify the foregoing to be a true copy of Bylaw No. 2039-A3 as passed by the Council of the City of Grand Forks on the \_\_\_\_\_ day of \_\_\_\_\_ ,

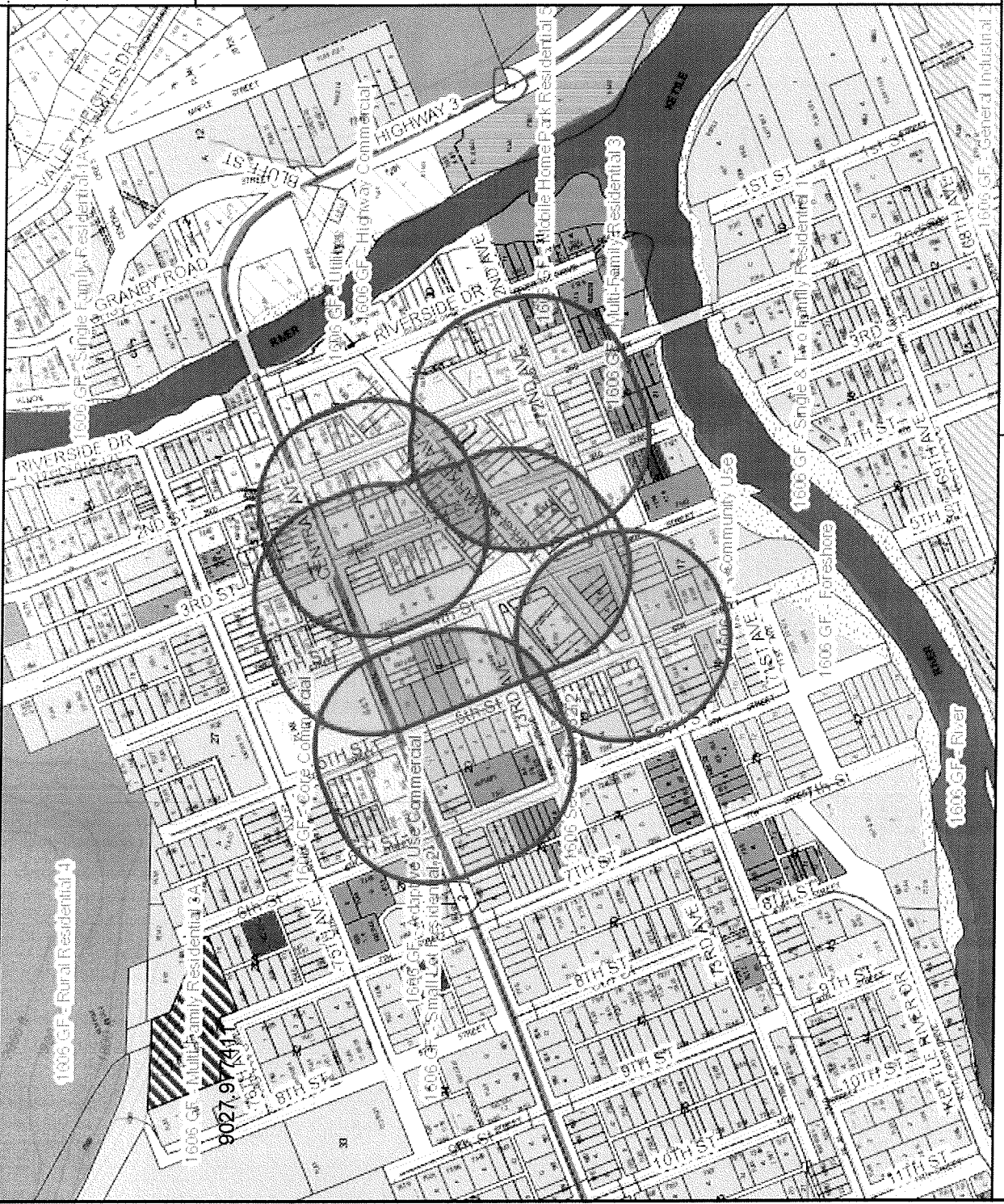
\_\_\_\_\_  
Corporate Officer of the Corporation of the  
City of Grand Forks

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

A Commissioner for taking Affidavits  
for British Columbia  
Grand Forks

# 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.



5/5/2019

James Donaldson Park - Google Maps

James Donaldson Park



This is Exhibit "E" referred to in the  
affidavit of Alice Huynh  
sworn before me at Vancouver, B.C.  
this 4<sup>th</sup> day of May 2019  
[Signature]  
Commissioner for taking Affidavits  
for British Columbia

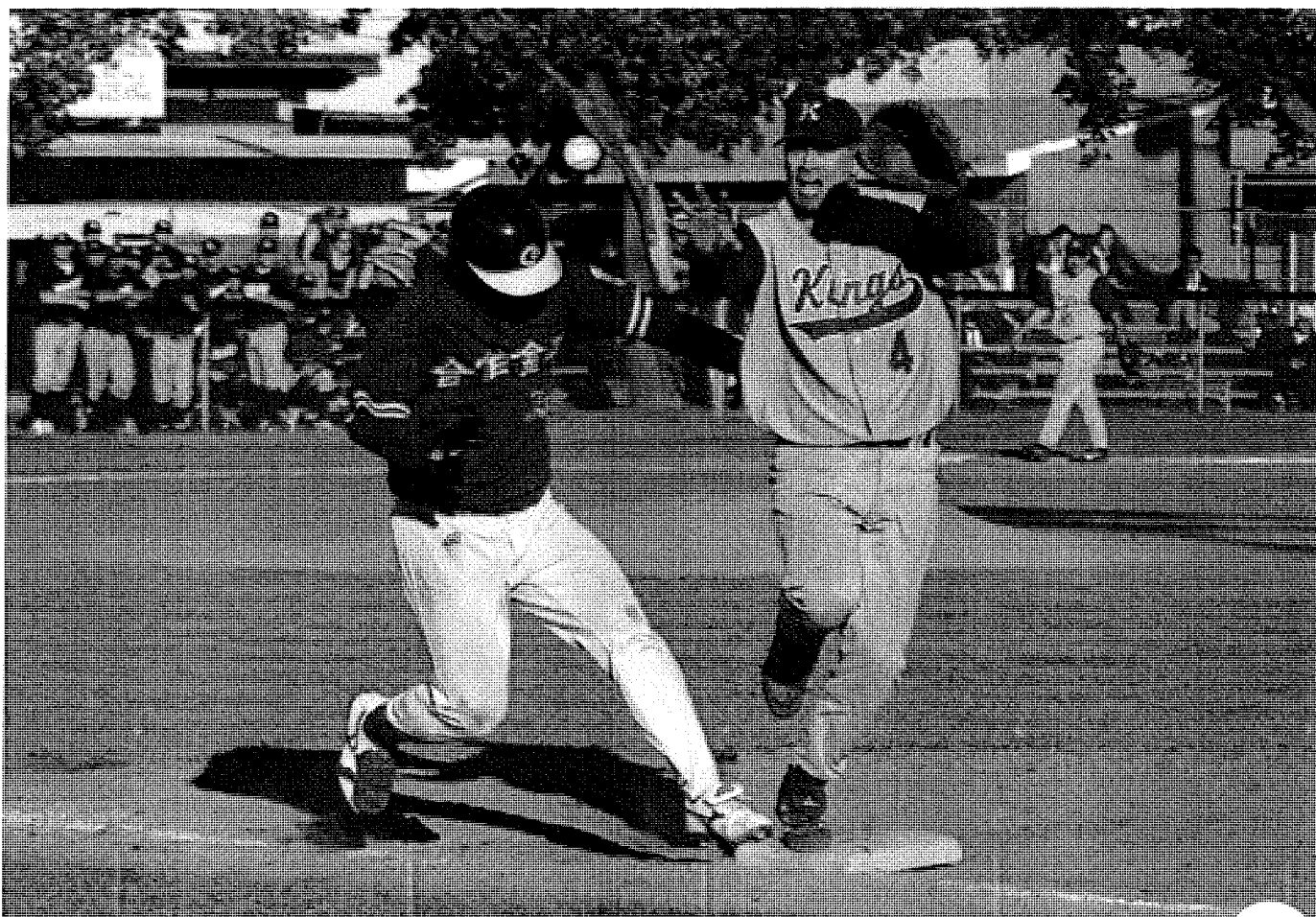
Imagery ©2019 DigitalGlobe, Map data ©2019 Google

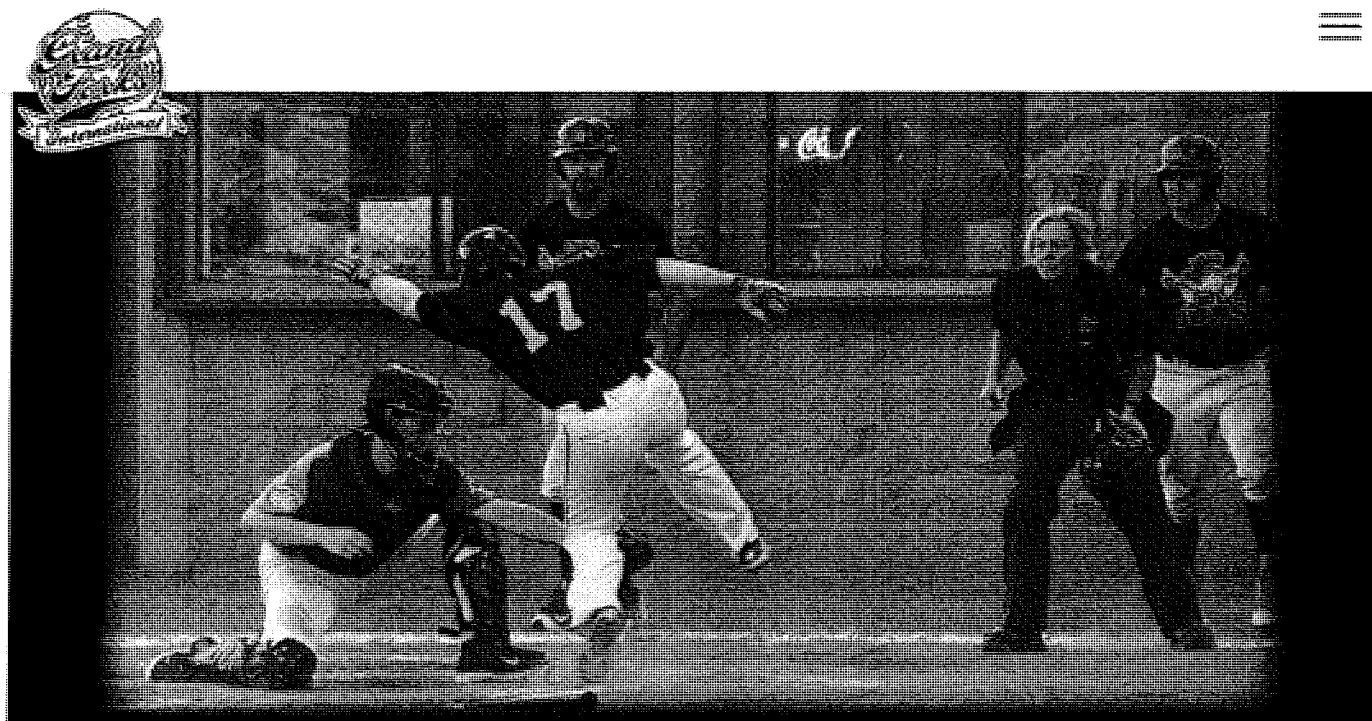


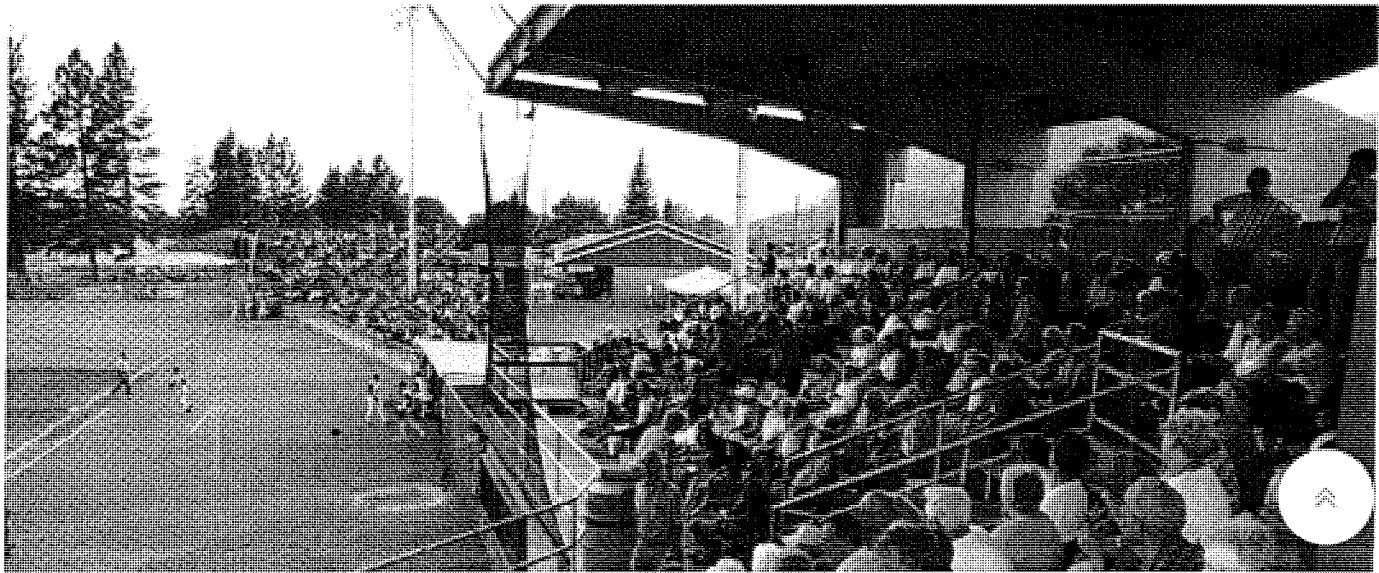
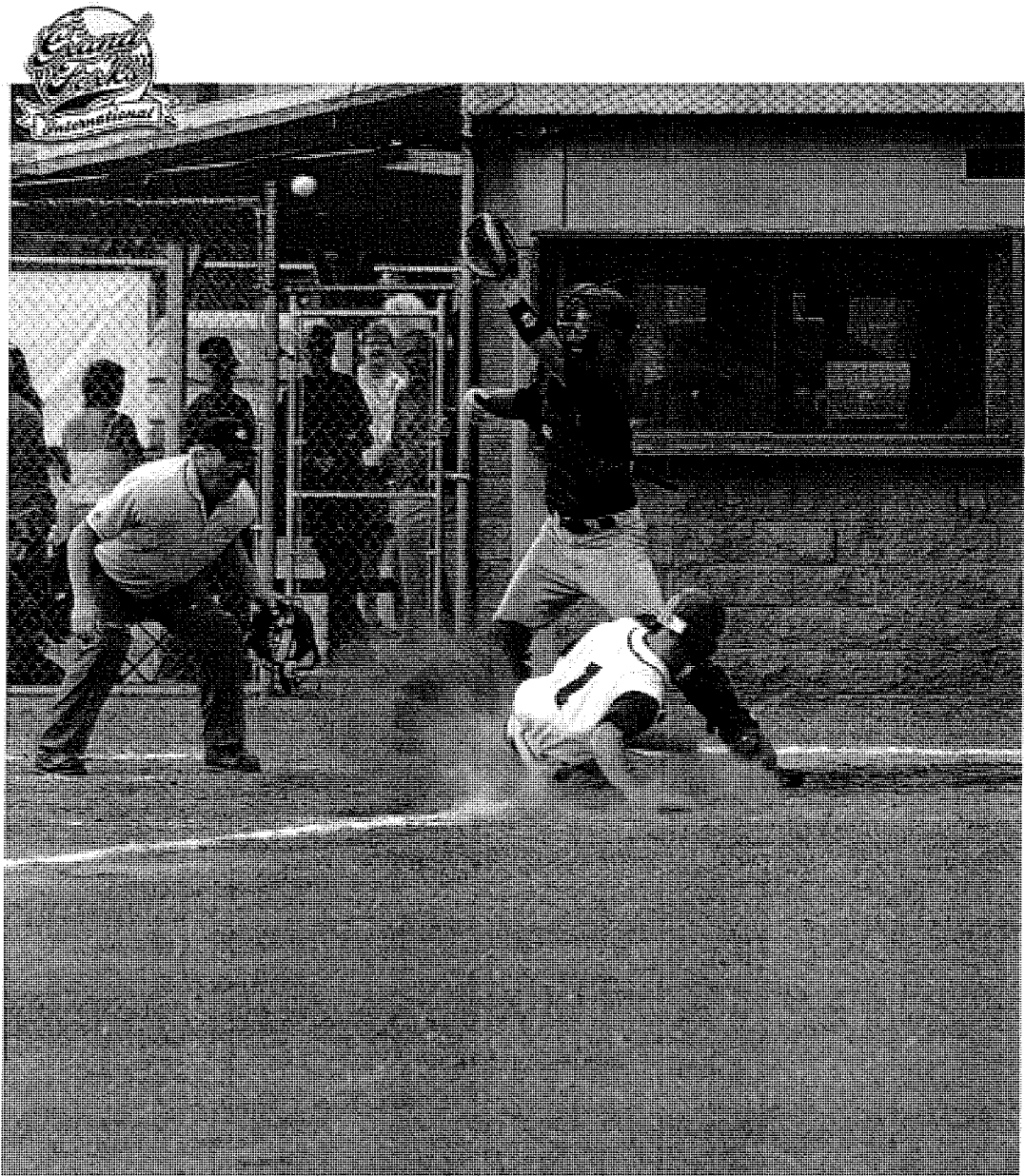
his is Exhibit "F" referred to in the  
 affidavit of Alice Hymn  
 sworn before me at Vancouver, BC  
 this 9th day of May 2019

A Commissioner for taking Affidavits  
 for British Columbia

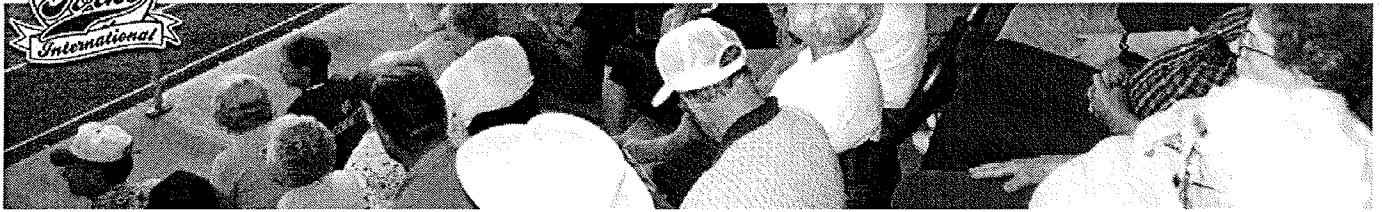
## Photos











## 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](mailto:gfibaseballsociety@gmail.com)





[HISTORY](#)

[GFI HALL OF FAME](#)

[VOLUNTEERS](#)

[CONTACT US](#)

[LINKS](#)

## Access GFI

[FAQ](#)

[TICKET OPTIONS](#)

[SCHEDULE](#)

[RULES](#)

[SCORES & STANDINGS](#)

[NEWS](#)

## Past Teams

[2016 TEAM LINE UP](#)

[2015 TEAM LINE UP](#)

[2012 TEAM LINE UP](#)





WEBSITE BY CODE'S CAD



© GRAND FORKS INTERNATIONAL



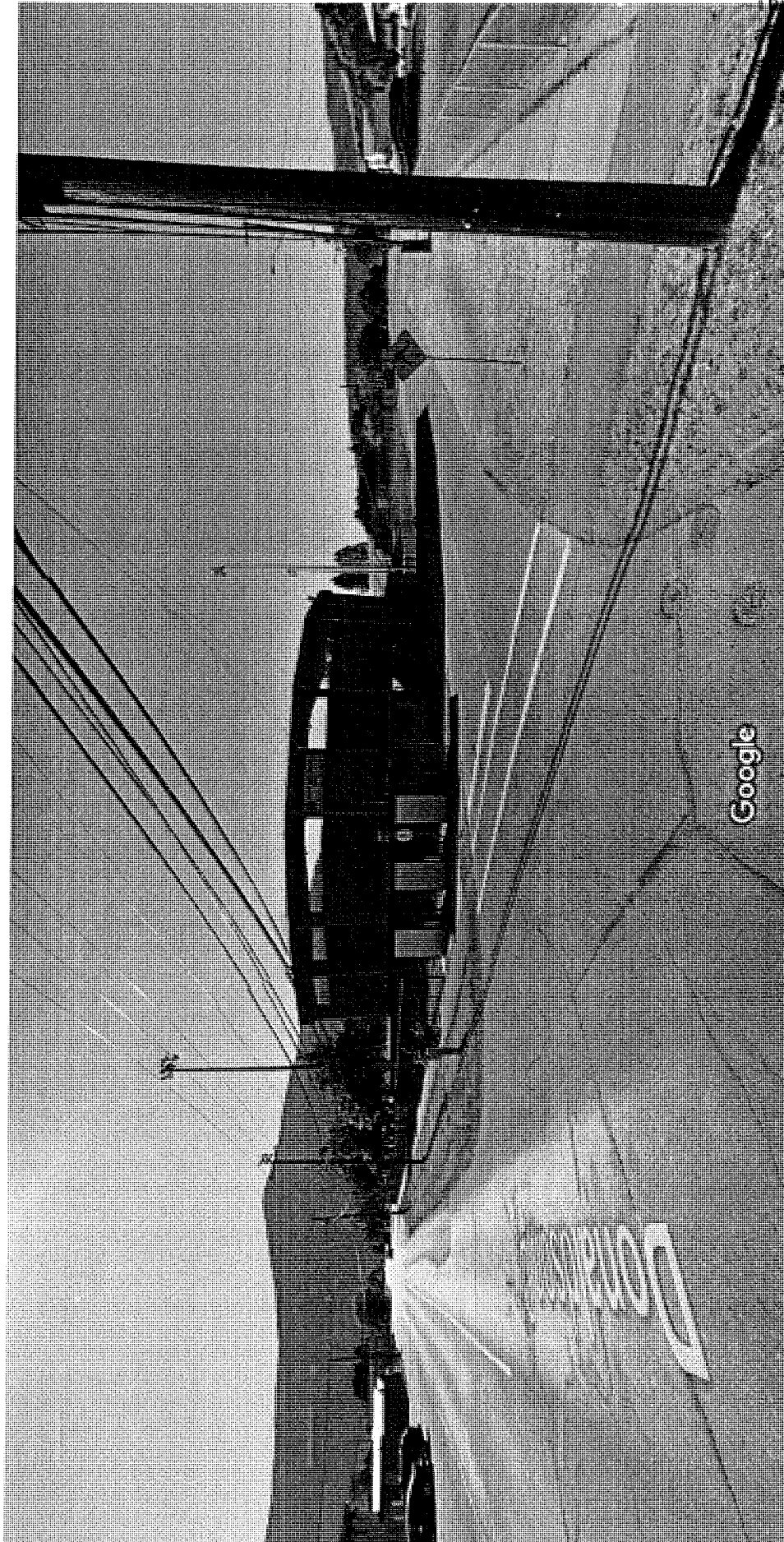




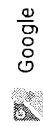
5/5/2019

7515 Donaldson Dr - Google Maps

Google Maps 7515 Donaldson Dr



Grand Forks, British Columbia



Street View - Oct 2012



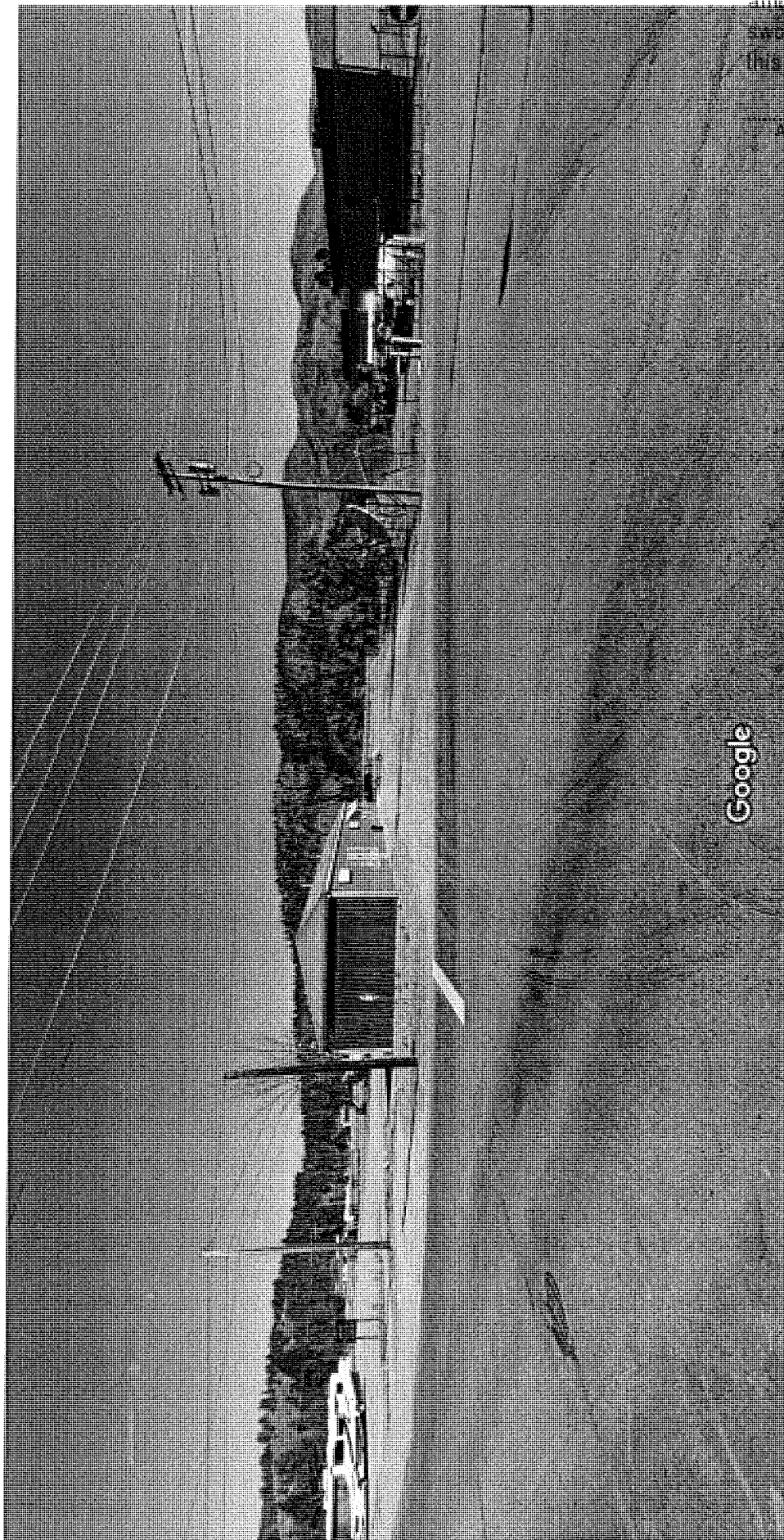
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This is Exhibit "A" referred to in the  
Affidavit of Alice Huynh  
made before me at Vancouver, B.C.  
on the 5th day of May, 2019.  
*[Signature]*  
Commissioner for taking Affidavits  
for British Columbia

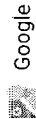
36



19 St



Grand Forks, British Columbia



Street View - Oct 2012



This is Exhibit "H" referred to in the  
affidavit of Alice Huynh  
sworn before me at Vancouver, B.C.  
this 16 day of May, 2019  
[Signature]  
A Commissioner for taking Affidavits  
for British Columbia

Image capture: Oct 2012



Imagery ©2019 DigitalGlobe, Map data ©2019 Google

Measure distance

Total distance: 61.74 m (202.55 ft)

This is Exhibit "I" referred to in the  
affidavit of Alice Hryn  
sworn before me at Vancouver, BC  
this 14 day of May, 2019  
[Signature]  
Commissioner for taking Affidavits  
for British Columbia

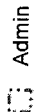




This is Exhibit "S" referred to in the  
affidavit of Alice Huynh  
sworn before me at Vancouver, B.C.  
this 9th day of May, 2019

A Commissioner for taking Affidavits

### Legend



## Cadast

CAD\_DISTRICT

CAD\_GAS

CAD\_HIGHWAY

CAD\_HYDRO\_C

CAD\_INTER\_BOX

CAD\_LOTLINE

## CAD LOTLINE FENCE

CAD LOTLINE WATER

C&amp;D RAILWAY

CAD RAILWAY ABAN

CAD ROAD

CAD TELEPHONE

CAD TOWNSHIP

## Miscellaneous Cadastral Lines

CADM\_AIRSTRI

CADM\_ARROW

CADM\_BRIDGE

CADM\_DEWDNEY\_TRAIL

CADM\_EASEMENT

CADM HOOK

CADM LEASE LICENSE



Scale: 1:7,445

1 cm represents 74.44 m

**Notes:**

Printed on 05-May-2019

Datum: WGS 84 Projection: Web Mercator

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



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

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

April 24th, 2019

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

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

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

Dear Sir/Madam,

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

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

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

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

Yours truly,

Kenneth Sam  
Owner 2580 Kingsway  
604 649-1580