

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 15, 2020

Subject: Temporary Use Permit (TUP2002) to accommodate a drive-in theatre, RV/tent camping and community celebrations, events and meetings at 2420 68th Avenue

Recommendation: **THAT Council grant Temporary Use Permit No. 2002 to Cannafest Music Festival Ltd. on lands zoned Small Lot Residential (R-2), legally described as Lot 1 District Lots 380 and 520 SDYD Plan KAP64274, Parcel Identifier: 024-486-752.**

Background

At the May 25, 2020 regular meeting, in response to a delegation request, Council directed staff to move forward with the process of a Temporary Use Permit to Chuck Varabioff to allow the operation of a temporary drive-in theatre on a 2.78 hectare (7 acre) property located at 2420 68th Avenue. The applicant subsequently requested other events/activities be added to the permit.

A Temporary Use Permit (No. 1801) was approved for this lot in 2018 to allow temporary RV and tent camping and recreation activities related to the Cannafest music festival. Due to the current COVID-19 situation, the music festival was cancelled, but the owner continued to find ways to offer entertainment and recreation opportunities for the residents of Grand Forks. As a result, the owner appeared before Council requesting approval to operate a seasonal drive-in theatre on the property commencing at the end of June.

Council supported this request and therefore a new Temporary Use Permit is proposed (see Appendix 1) to accommodate the new temporary uses on the property.

The subject property is an unserviced, vacant field 2.78 hectares in size. The site is fenced, irrigated, and contains a storage building on the south side. The lot is designated Low Density Residential in the Official Community Plan and is zoned R-2 (Small Lot Residential).

If approved, the Temporary Use Permit would be valid for a period of 3 years and is renewable, upon application by the permit holder, for an additional three (3) years. Consequently, the property is not 'locked up' as it would be with a rezoning and is available for future development into residential lands once it is feasible to pursue such development.

Proposed Temporary Uses and Conditions

The temporary land uses proposed to be included in the permit are:

- a) Temporary RV and tent camping for special events such as music festivals and sports tournaments.
- b) Seasonal drive in theatre and accessory temporary portable outdoor seating.
- c) Community and family celebrations such as weddings, graduation ceremonies, funerals, and national holiday celebrations with a duration of less than fifteen (15) hours.
- d) Community sports events such as soccer tournaments.
- e) Car shows.
- f) Fairs and agricultural events.
- g) Community non-profit club meets for groups such as Scouts or religious organizations.

The proposed conditions of the temporary developments are:

- a) A seasonal drive in theatre may not operate for more than three (3) days per week.
- b) No other single event or activity shall be carried on for longer than seven (7) consecutive days at a time.
- c) All structures must be movable and temporary in nature.
- d) Lighting must be focused on the site only and not be directed at or impact neighbouring properties.
- e) The site must be fenced, landscaped, and irrigated for dust control.
- f) The site must be professionally supervised, maintained, and regularly cleaned during all events.
- g) RV/tent camping spaces will be organized with space between rows to ensure that fire and emergency vehicles can drive through the site.
- h) All vehicular accesses to the site shall be located away from and vehicular traffic shall not impact nearby residential areas.
- i) All events shall comply with all federal, provincial, and local requirements, laws and regulations.

The draft Temporary Use Permit No. 2002 is contained in Appendix 1.

Public Notification

Under the Local Government Act, Council's intention to approve a Temporary Use Permit must be advertised in the local newspaper not more than two weeks and not less than three days from the day of decision. This permit was advertised in the June 10th edition of the Grand Forks Gazette and the public was invited to attend the June 15th Council meeting via Zoom and/or submit comments to the City via mail, email or phone.

In addition, written notification and information about the proposed Temporary Use Permit was sent to adjacent property owners notifying them of the proposed temporary uses and

inviting them to provide feedback. Furthermore, notices were posted on the City website and Facebook page.

Timing

The following table outlines the tentative timeframe associated with this Temporary Use Permit application.

Temporary Use Permit Application No. 2002 – Tentative Timeframe	
ACTIVITY	TIMING
Regular Council Meeting – Council directs staff to proceed with Temporary Use Permit to accommodate a drive-in theatre	May 25, 2020
Written notification sent to adjacent property owners	June 3, 2020
Notice published in the Grand Forks Gazette	June 10, 2020
Deadline for submission of written/verbal comments (which are transmitted to Council)	June 12, 2020
Council hears feedback from the public via a Zoom meeting (Zoom Meeting ID: 890 2551 9212 Password: 886960)	June 15, 2020 at 2pm
Regular Council Meeting – Council considers Temporary Use Permit No. 2002 for approval	June 15, 2020

Benefits or Impacts

General

As this application involves temporary land uses only, the property can be subdivided, serviced, and redeveloped at anytime for small lot residential.

Strategic Impact

Community Engagement

- The Temporary Use Permit was advertised in the paper and written notification to adjacent property owners invited feedback in writing or at the public feedback session. The proposal was also posted on the City's website and Facebook page.

Community Livability

- This temporary use is generally compatible with surrounding properties and festival/recreational activities have occurred on the property in the past.

Economic Growth

- The temporary use permit will allow interim community-oriented uses on vacant, underutilized property in the City and provide entertainment and community activities for the City's residents.

Fiscal Responsibility

- Other than time to prepare the staff reports and permit, minimal staff resources are required for this project.

Policy/Legislation

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

Attachments

Appendix 1 - Draft Temporary Use Permit No. 2002

Recommendation

THAT Council grant Temporary Use Permit No. 2002 to Cannafest Music Festival Ltd. on lands zoned Small Lot Residential (R-2), legally described as Lot 1 District Lots 380 and 520 SDYD Plan KAP64274, Parcel Identifier: 024-486-752.

Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.

Appendix 1 - DRAFT Temporary Use Permit No. 2002 (TUP2002)

**THE CORPORATION OF THE CITY OF GRAND FORKS
TEMPORARY USE PERMIT NO. 2002**

Issued to: CANNAFEST MUSIC FESTIVAL LTD.

(the "Owner")

Address(s) of Owner: 4229 Burke Street
Burnaby, British Columbia
V5H 1B5

2916 Commercial Drive
Vancouver, British Columbia
V5N 4C9

Date of Issuance: _____, 2020

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 and civic address as follows:

Parcel Identifier: 024-486-752
Lot 1 District Lots 380 & 520 SDYD Plan KAP64274, Land District 54
2420 68th Avenue

(the "Land")

3. The temporary uses permitted on the Land shall be:
 - a. Temporary RV and tent camping for special events such as music festivals and sports tournaments.
 - b. Seasonal drive in theatre and accessory temporary portable outdoor seating.
 - c. Community and family celebrations such as weddings, graduation ceremonies, funerals and national holiday celebrations with a duration of less than fifteen (15) hours.
 - d. Community sports events such as soccer tournaments.
 - e. Car shows.

- f. Fairs and agricultural events.
 - g. Community non-profit club meets for groups such as Scouts or religious organizations.
4. The temporary uses shall be carried out in accordance with the following:
- a. A seasonal drive in theatre may not operate for more than three (3) days per week.
 - b. No other single event or activity shall be carried on for longer than seven (7) consecutive days at a time.
 - c. All structures must be movable and temporary in nature.
 - d. Lighting must be focused on the site only and not be directed at or impact neighbouring properties.
 - e. The site must be fenced, landscaped and irrigated for dust control.
 - f. The site must be professionally supervised, maintained and regularly cleaned during all events.
 - g. RV/tent camping spaces will be organized with space between rows to ensure that fire and emergency vehicles can drive through the site.
 - h. All vehicular accesses to the site shall be located away from and vehicular traffic shall not impact nearby residential areas.
 - i. All events shall comply with all federal, provincial and local requirements, laws and regulations.
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 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, provisions and conditions of this Temporary Use Permit. This 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 _____ OF JUNE, 2020.

ISSUED THIS _____ DAY OF JUNE, 2020.

Mayor Brian Taylor

Corporate Officer, Daniel Drexler