

**THE CORPORATION OF THE CITY OF GRAND FORKS  
AGENDA – PUBLIC HEARING**

**Tuesday October 11, 2011 – 6:30 p.m.  
Council Chambers City Hall**

<b><u>ITEM</u></b>	<b><u>SUBJECT MATTER</u></b>	<b><u>RECOMMENDATION</u></b>
1. <b><u>CALL TO ORDER</u></b>	6:30 p.m. Call to Order	Mayor to Declare this Public Hearing Open
2 <b><u>STAFF REPORT AND RECOMMENDATIONS</u></b>		
a) <b>Bylaw No. 1924, Amendment to the City of Grand Forks Zoning Bylaw 1924, 2011</b>		Council hear from the public, allowing any person present who believes that his or her interest in properties within the boundaries of the City, is effected by the proposed bylaw, be given the opportunity to be heard on matters contained in the bylaw.
13. <b><u>ADJOURNMENT</u></b>		

**THE CITY OF GRAND FORKS  
REQUEST FOR COUNCIL DECISION  
PUBLIC HEARING**

**DATE** : Oct 4, 2011

**TOPIC** : Bylaw No. 1924, Amendment to the City of Grand Forks Zoning Bylaw

**PROPOSAL** : Holding of a Public Hearing, prior to giving Bylaw 1924 Third Reading

**PROPOSED BY** : City Staff / Applicant – Arild Engen, Agent for Barb & Jacques Boizeau

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**SUMMARY:**

Bylaw 1924, cited as Amendment to the City of Grand Forks Zoning Bylaw No. 1924, 2011, received two readings at the Regular Meeting held on September 6th, 2011. Prior to giving a zoning bylaw third reading, Council must hold a public hearing, and publish notice of this public hearing in accordance with the Local Government Act. Notice of this public hearing was advertised in the Gazette, as required, on September 21<sup>st</sup> and 28<sup>th</sup>, 2011. In addition, attached to this report is correspondence from the Ministry of Transportation and Infrastructure's District Development Technician with regard to the proposed zoning amendment, as well as the zoning application and information provided at First and Second Reading of the Bylaw. Council is now in a position to hold the public hearing.

**FACTS SURROUNDING BYLAW 1924:**

1. The bylaw is intended to amend the City of Grand Forks Zoning Bylaw No. 1606, 1999 to rezone the southerly portion of the property located at 2675 Central Avenue, from the current R-1 Single and Two Family, to HC Highway Commercial legally described as Lot 6, Block 2, DL 520, SDYD, Plan 5210. This application, as per Council's Resolution at the August 15<sup>th</sup> Primary Committee Meeting (and subsequently adopted at the September 6<sup>th</sup>, Regular Meeting), is subject to the City obtaining a covenant, at the owner's expense, stating that commercial use and parking is restricted to the commercial portion of the property.
2. The bylaw is in compliance with the Official Community Plan inasmuch as the proposal meets the current OCP visions and objectives.
3. In addition, Item No. 2 of Bylaw No. 1924 states that Section 50(2)(b) Height of Building in the City of Grand Forks Bylaw No. 1606, 1999, be amended to 12.2 metres from 10 metres. This is a housekeeping item. The metric conversation of 40 feet (which is the maximum height of a building for the City of Grand Forks) is approximately 12.2 metres and not 10 metres.

**STAFF RECOMMENDATIONS:**

**Option 1:** Council hold the public hearing as advertised, allowing any person present who believes that his or her interest in the property is effected by the proposed bylaw be given the opportunity to be heard

on matters contained in the bylaw and ensuring that as a Council, hearing from the public is required to take all submissions and then base a decision on the facts relevant to the rezoning request, within the parameters set out in the Official Community Plan and the existing zoning bylaw.

#### **OPTIONS AND ALTERNATIVES:**

**Option 1: Council provides the opportunity for the public to make their views known on the matters contained in the bylaw at the public hearing:** This option will allow the public the opportunity to be heard as outlined in the Local Government Act. It is the duty of Council to receive submissions, ask relevant questions and keep an open mind before making the final decision. Council can seek advice from Staff and receive additional reports from Staff based on the public's submission.

**Option 2: Council may decline to hold the public hearing and deny rezoning and further public process.** There is no option not to hold the public hearing, inasmuch as it has been duly advertised.

#### **BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:**

**Option 1:** The advantage to this option is that Council will proceed as outlined in the Local Government Act.

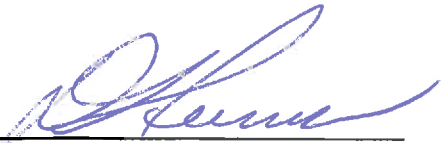
**Option 2:** The key disadvantage is that the applicant has not been provided a due process in a rezoning application. Denying a rezoning application without considering all relevant submissions and facts might constitute a closed process.

#### **COSTS AND BUDGET IMPACTS – REVENUE GENERATION:**

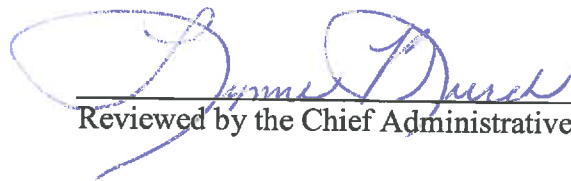
The City's cost of rezoning, including advertising is covered by the application fees charged for rezoning applications.

#### **LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:**

The Local Government Act outlines the requirements for the holding of public hearings.



Department Head or Corporate Officer  
Or Chief Administrative Officer



Reviewed by the Chief Administrative Officer



RECEIVED

SEP 23 2011

THE CORPORATION OF  
THE CITY OF GRAND FORKS

September 19, 2011  
Our File: 2011-04654 (Z08/11)

The Corporation of the City of Grand Forks  
Box 220  
Grand Forks, BC V0H 1H0

ATTENTION: Kathy LaBossiere  
Planning Department

**RE: Proposed Zoning Amendment Bylaw No. 1924  
Lot 6, Block 2, District Lot 520, SDYD, Plan 5210**

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I refer to your letter of September 7, 2011 and the proposal to rezone the above noted property from the current R-1 (Residential) to HC (Highway Commercial).

As you are aware the property fronts the Grand Forks Arterial (Highway #3) and is adjacent to an existing busy intersection. No specific information has been provided as to the intended commercial use. Therefore to preserve the integrity of the existing highway system, the Ministry of Transportation and Infrastructure does not support a blanket rezoning of the property, but would rather deal with an identified purpose for the rezoning to enable an informed assessment of how a proposed commercial use would impact the highway system.

Please be advised that any future use of the property will not be given direct highway access due to the existing adjacent municipal street system, and as recognized in the City's recent Sustainable Community Plan.

It should also be noted that any potential commercial venture at this location may be required to complete a Traffic Impact Assessment to evaluate proposed traffic generated and the impact to the highway, as well as identify any off site improvements that may be required to ensure safety to all highway users.

If you have any questions, please call.

Yours truly,

Donna Fitzpatrick  
District Development Technician

/dmf

cc: Arild Engen, Agent

FILE CODE

*M22 - Proposed Zoning Amendment  
Bylaw No 1924*

**Ministry of  
Transportation  
and  
Infrastructure**

Southern Interior Region  
West Kootenay District  
Grand Forks Area Office

Mailing Address  
PO Box 850  
7290-2<sup>nd</sup> Street  
Grand Forks, BC  
V0H 1H0

Telephone: 250-442-4384  
Facsimile: 250-442-4317  
Toll Free: 1-800-665-2699

Web Address:

[www.gov.bc.ca/tran](http://www.gov.bc.ca/tran)  
[www.drivebc.ca](http://www.drivebc.ca) or  
ph: 1-800-550-4997

**THE CORPORATION OF THE CITY OF GRAND FORKS**

**BYLAW NO. 1924**

**A Bylaw to Amend the City of Grand Forks  
Zoning Bylaw No. 1606, 1999**

=====

**WHEREAS** Council may, by bylaw, amend the provisions of the Zoning Bylaw pursuant to the Local Government Act;

**AND WHEREAS** Council has received an application to rezone property located at 2675 Central Avenue;

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

1. That the City of Grand Forks Zoning Bylaw No. 1606, 1999 be amended to rezone the southerly 23,636 square foot portion of property located at 2675 Central Avenue, legally described as Lot 6, Block 2, District Lot 520, S.D.Y.D., Plan 5210 from the R—1 (Single & Two Family Residential) zone to the HC (Highway Commercial) zone, as shown outlined in bold on the attached map identified as Schedule "X".
2. That Section 50(2)(b) Height of Building of the City of Grand Forks Zoning Bylaw No. 1606, 1999 be amended to correct the 10 metres to say 12.2 metres.
3. That this Bylaw may be cited as the "**Amendment to the City of Grand Forks Zoning Bylaw No. 1924, 2011**".

Read a **FIRST** time this 7<sup>th</sup> day of September, 2011.

Read a **SECOND** time this 7<sup>th</sup> day of September, 2011.

**PUBLIC HEARING NOTICE ADVERTISED**, pursuant to the *Local Government Act* this 14<sup>th</sup> day of September, 2011, and also this 21<sup>st</sup> day of September, 2011.

**PUBLIC HEARING HELD** this 11<sup>th</sup> day of October, 2011..

Read a **THIRD** time this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**APPROVED** by the Ministry of Transportation and Infrastructure on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Approving Officer

**FINALLY ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

\_\_\_\_\_  
Diane Heinrich, Corporate Officer

### **CERTIFICATE**

I hereby certify the foregoing to be a true copy of Bylaw No. 1924 as passed by the Municipal Council of the City of Grand Forks on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

## R - 4 A

1  
PLAN 5000

## SCHEDULE "X"

DL 520

CUA

**SUBJECT PROPERTY TO BE  
REZONED FROM R-1 (SINGLE &  
TWO FAMILY RESIDENTIAL TO  
HC (HIGHWAY COMMERCIAL)**

**This is Schedule "X" referred to in Section 1 of the City of Grand Forks Zoning Amendment Bylaw No. 1924, 2011.**

**Date of Adoption**

## Corporate Officer

**CLOSED**

**COPY**

**THE CITY OF GRAND FORKS  
REQUEST FOR COUNCIL DECISION**

**DATE** : August 30th, 2011

**TOPIC** : Bylaw 1924 – Amendment to the City of Grand Forks Zoning Bylaw

**PROPOSAL** : First and Second Reading

**PROPOSED BY** : Corporate Officer

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**SUMMARY:**

At the Primary Committee Meeting on August 15<sup>th</sup>, 2011, it was recommended and subsequently adopted by Council that the matter of a proposed amendment to the Grand Forks Zoning Bylaw, to re-zone the southerly portion of the property located at 2675 Central Avenue, from the current R-1 Single and Two Family, to HC Highway Commercial. Council's resolution also stated that it was subject to the City obtaining a covenant, at the owner's expense, that commercial use and parking is restricted to the commercial (southerly) portion of the property. This covenant is to be in place prior to the bylaw being adopted. The proposal to rezone is based on the property owner's desire to eventually subdivide the property, but at present, wishes to advertise it for sale as is.

In addition, Item No. 2 of Bylaw No. 1924 states that Section 50(2)(b) Height of Building in the City of Grand Forks Bylaw No. 1606, 1999, be amended to 12.2 metres from 10 metres. This is a housekeeping item. The metric conversation of 40 feet (which is the maximum height of a building for the City of Grand Forks) is approximately 12.2 metres and not 10 metres.

To that end, Bylaw No. 1924 is being presented for first and second reading.

**STAFF RECOMMENDATIONS:**

**Option 1:** Council gives first and second reading to Bylaw No. 1924 "Amendment to the City of Grand Forks Zoning Bylaw No. 1924, 2011".

**OPTIONS AND ALTERNATIVES:**

**Option 1: Council gives Bylaw No. 1924 first and second reading.** This option intends that the proposed amendments are being considered by Council.

**Option 2: Council determines to give the Bylaw no readings:** This option intends that the status quo will remain, and the zoning of property located at 2675 Central Avenue will remain as R-1 Single and Two Family Residential.



COPY

**BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:**

**Option 1:** This option will allow the proposal to rezone the southerly portion of the property located at 2675 Central Avenue, from R-1 Single and Two Family Residential to HC Highway Commercial, to proceed to public hearing. At the public hearing the public will be afforded an opportunity to make their views on this bylaw known to Council.

**Option 2:** This option will allow for the status quo to remain and the entire property will remain zoned as R-1 Single and Two Family Residential.

**COSTS AND BUDGET IMPACTS – REVENUE GENERATION:**

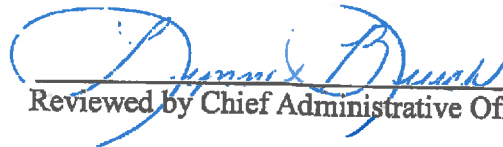
There are direct costs for any bylaw that proceeds to public hearing. There are the advertising costs, as well as the notifications to surrounding property owners. These costs are generally covered by the application fees charged.

**LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:**

The ability to amend our existing Zoning Bylaw comes from the Local Government Act. The Act requires that any Zoning Bylaw must be referred to the public (public hearing), and may only be adopted after Council has heard from the public on the matters contained in the bylaw.



Department Head or Corporate Officer  
or Chief Administrative Officer



Reviewed by Chief Administrative Officer

**UNFINISHED BUSINESS:**

None

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**RECOMMENDATIONS FOR CONSIDERATION:**

a) Corporate Officer's Report – Amendment to the Zoning Bylaw

The City is in receipt of an application to rezone property located at 2675 Central Avenue, where the applicants, Barb & Jacques Boizeau, wish to rezone the southerly portion of the property from the current R-1 (Single & Two Family) residential zone to HC (Highway Commercial zone and leaving the northerly part as residential.

MOTION: MOSLIN/ROBERT

**RESOLVED THAT THE PRIMARY COMMITTEE RECOMMENDS TO COUNCIL THAT STAFF BE DIRECTED TO DRAFT THE APPROPRIATE ZONING AMENDMENT BYLAW SUBJECT TO THE CITY OBTAINING A COVENANT, AT THE OWNER'S EXPENSE. STATING THAT COMMERCIAL USE AND PARKING IS RESTRICTED TO THE COMMERCIAL PORTION OF THE PROPERTY FOR THE PROPERTY LOCATED AT 2675 CENTRAL AVENUE LEGALLY KNOWN AS LOT 6, BLOCK 2, D.L. 520, PLAN 5210 FROM R-1 (SINGLE AND TWO FAMILY RESIDENTIAL) TO HC (HIGHWAY COMMERCIAL), SOUTHERLY PORTION ONLY, AND THAT THIS BYLAW BE PERMITTED TO PROCEED TO PUBLIC HEARING.**

CARRIED.

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**INFORMATION ITEMS:**

None

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**PROPOSED BYLAWS FOR DISCUSSION:**

None

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**LATE ITEMS:**

None

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**REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL (VERBAL)**

None

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**QUESTION PERIOD FROM THE PUBLIC:**

Mayor Taylor stated that City Council is interested in hearing from the public on the issues it is dealing with or on any other issue that is of interest to the general public. To ensure that this process is open and does not feel uncomfortable to anyone, he advised that Council has set up some parameters to follow, and the normal rules apply.

**SECTION 50            CU (Community Use Zone)**

**Permitted Uses**

1.     The following uses and no others are permitted in a CU zone:
  - (a)     libraries;
  - (b)     museums;
  - (c)     cemeteries;
  - (d)     fire hall and police stations;
  - (e)     hospital, including medical clinic, dental clinic, ambulance station, rest home or private hospitals;
  - (f)     post office;
  - (g)     religious centres;
  - (h)     community centres/recreation facilities or community halls;
  - (i)     open space passive recreational areas;
  - (j)     municipal, local government or educational buildings;
  - (k)     senior citizen complexes, senior activity centres and congregate care facilities;
  - (l)     any building or structure operating under a Private-Council partnership agreement.

Permitted accessory uses and buildings on any parcel includes the following:

- (m)     accessory buildings for any of the above.

**Regulations**

2.     On a parcel located in a CU zone:

Minimum Parcel Size for Subdivision purposes

- (a)     There is no minimum parcel size and the parcel shall be connected to a community sewage and water system.

Height

- (b)     No building or structure shall exceed 10 metres (40 ft) in height, except fire halls;

Setbacks

- (c)     Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
  - (i)     7 metres (23 ft) of a front parcel line;
  - (ii)    3 metres (10 ft) of an interior side parcel line;
  - (iii)   5 metres (17 ft) of an exterior side parcel line; or
  - (v)     7 metres (23 ft) of a rear parcel line.

COPY

THE CORPORATION OF THE CITY OF GRAND FORKS

STAFF MEMORANDUM

**To:** Diane Heinrich, Corporate Officer  
**Date:** July 22, 2011  
**From:** Kathy LaBossiere, Planning Tech

Boizeau Rezoning Application

We have received an application for rezoning of property legally described as Lot 6, Block 2, D.L. 520, Plan 5210 located at 2675 Central Avenue. The applicant wishes to rezone the southerly portion of the property from the current R-1 (Single & Two Family) residential zone to HC (Highway Commercial) zone and leaving the northerly part as residential.

The entire lot less the existing lane through the property is 0.9 acres in size. The southerly section is designated as Commercial and the northerly portion is designated as Low Density Residential, in the Official Community Plan.

The applicant has stated that he will eventually subdivide the property, but at present, wishes to advertise it for sale as is.

To avoid the commercial use of the northerly portion of the property, I received planning advice from Mark Andison, Regional District Planner and he recommended that before the rezoning, the City should get a covenant stating that commercial use and parking is restricted to the commercial portion of the property to protect the residential part of the property.

This application would only require an amendment to the Zoning Bylaw in that the proposal meets the current OCP visions and objectives.

Respectfully Submitted:



Kathy LaBossiere  
PLANNING TECH

N:\planning\zoning\boizeau\memo to clerk

**The Corporation of the City of Grand Forks**

P.O. Box 220  
Grand Forks, B.C.  
VOH 1H0

7217-4th Street  
Telephone (250) 442-8266  
Fax (250) 442-8000

**Zoning AND/OR Official Community Plan Amendment  
Application**

Application to amend the Zoning Bylaw AND/OR Official Community Plan Bylaw

**Zoning OR Official Community Plan Application Fee:**

☒ **\$1,000.00**

Receipt No. 146491

**Zoning AND Official Community Plan Application Fee:**

☐ **\$1,200.00**

Receipt No. \_\_\_\_\_

The subject fee is applicable to each request for an amendment to the Zoning or Official Community Plan Bylaw, or to both. Should this request not proceed to Public Hearing, one-half (1/2) the fee (\$500.00 or \$600.00) shall be refunded.

Registered Owner of Property to be rezoned:

BARB BAILEY BOIZEAU  
JACQUES BOIZEAU

Mailing Address: 34 CUE DU CHAMBEROUX  
SAINT SAUVEN 17350  
FRANCE

Telephone: 011-385-7728-4334 010-328-530

Full Legal Description of property to be rezoned:

LOT 6 BLOCK 2 DIST. LOT 520 PLAN 5210  
SDYR. (SOUTHERN PORTION OF SAID  
PROPERTY (SEE ATTACHMENT))

Street Address of Property 2675 CENTRAL AVE  
GRAND FORKS B.C.

N:\Forms\Planning\Zoning\zone and or ocp.doc

*Druid*  
442-7626



Please submit the following information with this application:

- (i) the legal boundaries and dimensions of the subject property;
- (ii) the location of permanent buildings and structures existing on the property;
- (iii) the location of any proposed access roads, parking, driveways, and any screening, landscaping and fences;
- (iv) the location and nature of any physical or topographic constraints on the property (ie: streams, ravines, marshes, steep slopes etc)

Upon reviewing your application, the City of Grand Forks may request other, or more detailed information.

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

  
Signature of Owner

Date

July 18/2011

AGENT'S AUTHORIZATION

I hereby authorize:

ARILD ENGEN

3082 EAST LAKE DRIVE

CHRISTINA LK B.C.

VOHIEI

(full name, address and telephone number of Agent)

to act on my behalf with regards to this application.

  
Owner's Signature

The personal information on this form is collected under the authority of the Local Government Act. The information collected will be used to process your application for a Rezoning or Official Community Plan amendment. If you have questions about the collection use and disclosure of this information, contact the Coordinator City of Grand Forks.

Please outline the provisions of the respective Bylaw that you wish to vary or supplement and give your reasons for making this request:

Southerly 23,636 sq ft of Lot 6 from R-1  
(Residential) to HC (Highway Commercial).

**DECLARATION PURSUANT TO THE WASTE MANAGEMENT ACT**

I, Barbara Bailey-Reizeau, 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)

(date)

July 18/2011



PLAN A 13376

3494

LANE "A"

NORTH

WEST

BLOCK 6

17,500.

20' R/W  
0.057 AC.

B

A

PLAN

PLAN

20' LANE

AVENUE

WEST

PLAN C 5210

236.36 AC. SUBJECT

L.

PLAN

16' LANE

26190

HIGHWAY

#3

NO

52'

D

C

26805

2

E

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP

OIP



From:  "Mark Andison" <mandison@rdkb.com>

Thu, Jul 21, 2011 3:59:31 PM 

Subject: RE: Scan from City of Grand Forks

To:  **Kathy LaBossiere**

Attachments:  Attach0.html

13K

Hi Kathy,

There are couple of ways to deal with this situation.

First, the offstreet parking required for a commercial use would be considered an accessory use of the property – accessory to the principal commercial use. As such, uses that are accessory to a permitted commercial use would only be permitted on the commercially zoned portion of the lot. The parking spaces needed for the commercial use would, then have to be located on the commercially zoned portion of the split-zoned lot. Parking as an accessory use in the residentially zoned portion of the lot would only be permitted as needed for the residential use on that portion of the lot.

A second way to approach this to ensure that the property-owner (and future owners of the property) is completely aware of the requirement that the parking required for the commercial use must be located on the commercially zoned portion of the property would be to have the applicant volunteer to register a Section 219 covenant on the title of the property before the rezoning is approved by Council which acknowledges that the commercial parking must be located on the commercially zoned portion of the property. This would provide the neighbouring property-owners with some assurance that the residential portion of the property will not become a parking lot and it would help to avoid future battles with the property-owner over the interpretation of the bylaw as to where accessory commercial parking spaces may be located. I would recommend pursuing the registration of a covenant in conjunction with the rezoning application to provide an additional level of protection (i.e. belt and suspenders).

Regards,

**Mark Andison, MCIP**

Director of Planning and Development

Regional District of Kootenay Boundary

613 Rossland Ave

Trail, BC

Canada V1R 4S8

toll-free: 1.800.355.7352

tel: 250.368.9148

cel: 250.231.0080

fax: 250.368.3990

email: [mandison@rdkb.com](mailto:mandison@rdkb.com)

web: [www.rdkb.com](http://www.rdkb.com)

## LAND TITLE ACT

### [RSBC 1996] CHAPTER 250

#### Registration of covenant as to use and alienation

**219** (1) A covenant described in subsection (2) in favour of the Crown, a Crown corporation or agency, a municipality, a regional district, the Greater Vancouver Transportation Authority, or a local trust committee under the *Islands Trust Act*, as covenantee, may be registered against the title to the land subject to the covenant and is enforceable against the covenantor and the successors in title of the covenantor even if the covenant is not annexed to land owned by the covenantee.

\* (2) A covenant registrable under subsection (1) may be of a negative or positive nature and may include one or more of the following provisions:

(a) provisions in respect of

(i) the use of land, or

(ii) the use of a building on or to be erected on land;

(b) that land

(i) is to be built on in accordance with the covenant,

(ii) is not to be built on except in accordance with the covenant, or

(iii) is not to be built on;

(c) that land

(i) is not to be subdivided except in accordance with the covenant, or

(ii) is not to be subdivided;

(d) that parcels of land designated in the covenant and registered under one or more indefeasible titles are not to be sold or otherwise transferred separately.

(3) A covenant described in subsection (4) in favour of

(a) the Crown or a Crown corporation or agency,

(b) a municipality, a regional district, the Greater Vancouver Transportation Authority or a local trust committee under the *Islands Trust Act*, or

(c) any person designated by the Minister of Environment, Lands and Parks on terms and conditions he or she thinks proper,

as covenantee, may be registered against the title to the land subject to the covenant and, subject to subsections (11) and (12), is enforceable against the covenantor and the successors in title of the covenantor even if the covenant is not annexed to land owned by the covenantee.

(4) A covenant registrable under subsection (3) may be of a negative or positive nature and may include one or more of the following provisions:

(a) any of the provisions under subsection (2);

(b) that land or a specified amenity in relation to it be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant.

(5) For the purpose of subsection (4) (b), "amenity" includes any natural, historical, heritage, cultural, scientific, architectural, environmental, wildlife or plant life value relating to the land that is subject to the covenant.

(6) A covenant registrable under this section may include, as an integral part,

(a) an indemnity of the covenantee against any matter agreed to by the covenantor and covenantee and provision for the just and equitable apportionment of the obligations under the covenant as between the owners of the land affected, and

(b) a rent charge charging the land affected and payable by the covenantor and the covenantor's successors in title.

(7) If an instrument contains a covenant registrable under this section, the covenant is binding on the covenantor and the covenantor's successors in title, even though the instrument or other disposition has not been signed by the covenantee.

(8) No person who enters into a covenant under this section is liable for a breach of the covenant occurring after the person has ceased to be the owner of the land.

(9) A covenant registrable under this section may be

(a) modified by the holder of the charge and the owner of the land charged, or

(b) discharged by the holder of the charge

by an agreement or instrument in writing the execution of which is witnessed or proved in accordance with this Act.

(10) The registration of a covenant under this section is not a determination by the registrar of its enforceability.

(11) On the death or dissolution of an owner of a covenant registrable under subsection (3) (c), the covenant ceases to be enforceable by any person, including the Crown, other than

(a) another covenantee named in the instrument creating the covenant, or

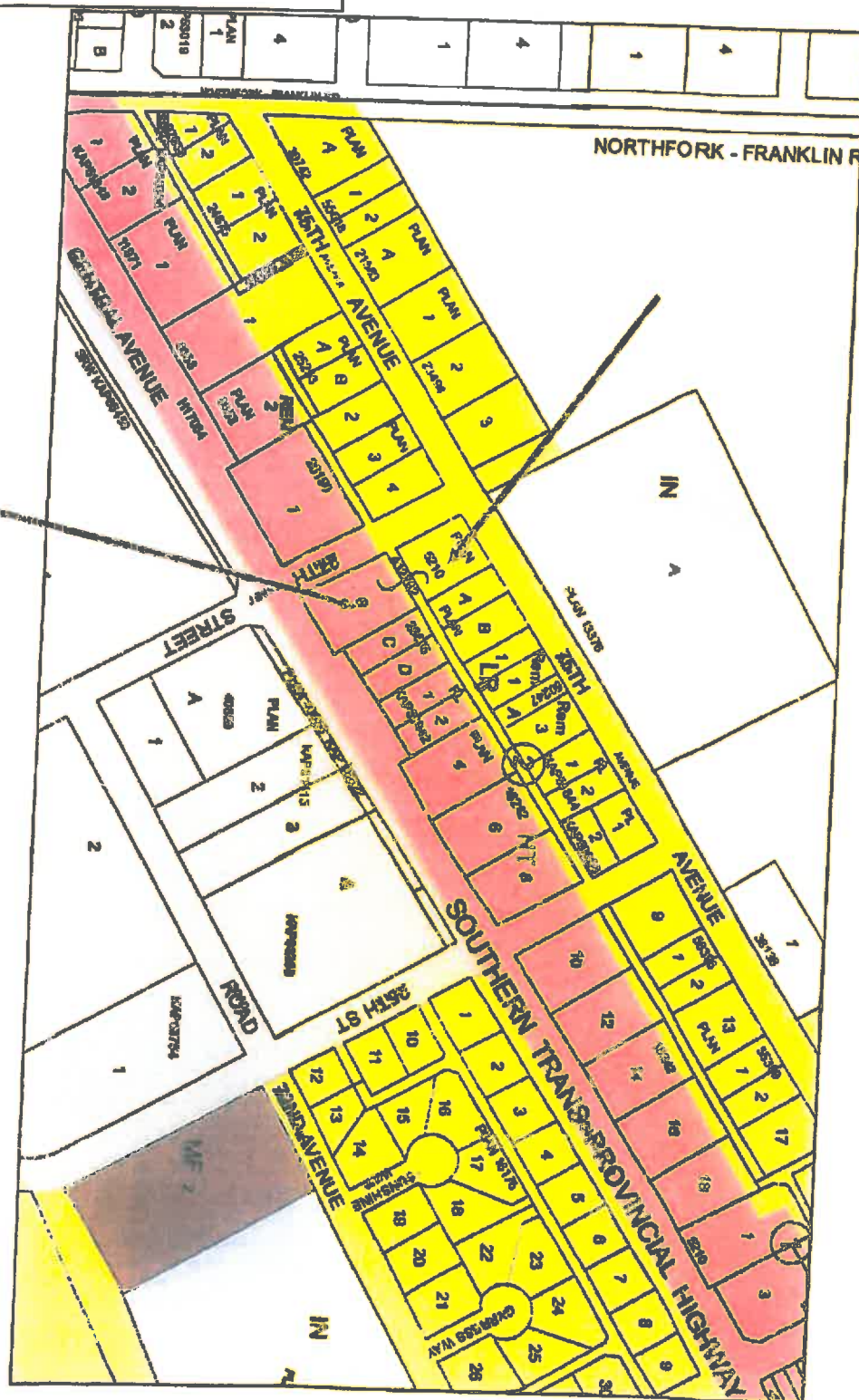
(b) an assignee of a covenantee if the assignment has been approved in writing by the Minister of Environment, Lands and Parks.

(12) If a covenantee or assignee referred to in subsection (11) is a corporation that has been dissolved and subsequently restored into existence under an enactment of British Columbia, the covenant continues to be enforceable by the restored corporation from the date of its restoration.

(13) A recital in a covenant that a person "has been designated by the Minister of Environment, Lands and Parks under section 219 (3) (c) of the *Land Title Act*", or a statement to that effect in the application to register the covenant, is sufficient proof to a registrar of that fact.



**Yellow is low density residential**





SUBJECT  
PROPERTY



PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

<u>PID</u>	<u>Legal Description</u>
010-328-530	Lot 6, Block 2, DC 520, SD. 7. D., Plan 5210

Total number of titled parcels represented by this site profile is: 1

For Untitled Crown Land

PIN numbers and associated Land Description. *Attach an additional sheet if necessary.*

<u>PIN</u>	<u>Land Description</u>

Total number of untitled crown land parcels represented by this site profile is: \_\_\_\_\_

(and, if available)

Crown land file numbers. *Attach an additional sheet if necessary.*

### III COMMERCIAL AND INDUSTRIAL PURPOSES OR ACTIVITIES

Please indicate below, in the format of the example provided, which of the industrial and commercial purposes and activities from Schedule 2 have occurred or are occurring on this site.

<u>Schedule 2</u>	<u>EXAMPLE</u>
<u>Reference</u>	<u>Description</u>
E1	appliance, equipment or engine repair, reconditioning, cleaning or salvage
F10	solvent manufacturing or wholesale bulk storage

*Please print legibly. Attach an additional sheet if necessary*

<u>Schedule 2</u>	<u>Description</u>
<u>Reference</u>	



**IV AREAS OF POTENTIAL CONCERN**

	Is there currently or to the best of your knowledge has there previously been on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Petroleum, solvent or other polluting substance spills to the environment greater than 100 litres?		✓
B.	Residue left after removal of piled materials such as chemicals, coal, ore, smelter slag, air quality control system baghouse dust?		✓
C.	Discarded barrels, drums or tanks?		✓
D.	Contamination resulting from migration of substances from other properties?		✓

**V FILL MATERIALS**

	Is there currently or to the best of your knowledge has there previously been on the site any deposit of (please mark the appropriate column opposite the question):	YES	NO
A.	Fill dirt, soil, gravel, sand or like materials from a contaminated site or from a source used for any of the activities listed under Schedule 2?		✓
B.	Discarded or waste granular materials such as sand blasting grit, asphalt paving or roofing material, spent foundry casting sands, mine ore, waste rock or float?		✓
C.	Dredged sediments, or sediments and debris materials originating from locations adjacent to foreshore industrial activities, or municipal sanitary or stormwater discharges?		✓

**VI WASTE DISPOSAL**

	Is there currently or to the best of your knowledge has there previously been on the site any landfilling, deposit, spillage or dumping of the following materials (please mark the appropriate column opposite the question):	YES	NO
A.	Materials such as household garbage, mixed municipal refuse, or demolition debris?		✓
B.	Waste or byproducts such as tank bottoms, residues, sludge, or flocculation precipitates from industrial processes or wastewater treatment?		✓
C.	Waste products from smelting or mining activities, such as smelter slag, mine tailings, or cull materials from coal processing?		✓
D.	Waste products from natural gas and oil well drilling activities, such as drilling fluids and muds?		✓
E.	Waste products from photographic developing or finishing laboratories; asphalt tar manufacturing; boilers, incinerators or other thermal facilities (e.g. ash); appliance, small equipment or engine repair or salvage; dry cleaning operations (e.g. solvents); or from the cleaning or repair of parts of boats, ships, barges, automobiles or trucks, including sandblasting grit or paint scrapings?		✓

**VII TANKS OR CONTAINERS USED OR STORED, OTHER THAN TANKS USED FOR RESIDENTIAL HEATING FUEL**

	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	Underground fuel or chemical storage tanks other than storage tanks for compressed gases?		✓
B.	Above ground fuel or chemical storage tanks other than storage tanks for compressed gases?		✓

**VIII HAZARDOUS WASTES OR HAZARDOUS SUBSTANCES**

	Are there currently or to the best of your knowledge have there been previously on the site any (please mark the appropriate column opposite the question):	YES	NO
A.	PCB-containing electrical transformers or capacitors either at grade, attached above ground to poles, located within buildings, or stored?		✓
B.	Waste asbestos or asbestos containing materials such as pipe wrapping, blown-in insulation or panelling buried?		✓
C.	Paints, solvents, mineral spirits or waste pest control products or pest control product containers stored in volumes greater than 205 litres?		✓

**IX LEGAL OR REGULATORY ACTIONS OR CONSTRAINTS**

	To the best of your knowledge are there currently any of the following pertaining to the site (please mark the appropriate column opposite the question):	YES	NO
A.	Government orders or other notifications pertaining to environmental conditions or quality of soil, water, groundwater or other environmental media?		✓
B.	Liens to recover costs, restrictive covenants on land use, or other charges or encumbrances, stemming from contaminants or wastes remaining onsite or from other environmental conditions?		✓
C.	Government notifications relating to past or recurring environmental violations at the site or any facility located on the site?		✓

**X ADDITIONAL COMMENTS AND EXPLANATIONS**

(Note 1: Please list any past or present government orders, permits, approvals, certificates and notifications pertaining to the environmental condition, use or quality of soil, surface water, groundwater or biota at the site.

Note 2: If completed by a consultant, receiver or trustee, please indicate the type and degree of access to information used to complete this site profile. Attach extra pages, if necessary):

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**XI SIGNATURES**

The person completing the site profile states that the above information is true based on the person's current knowledge as of the date completed.

  
Signature of person completing site profile

2011-08-05  
Date completed: (YY-MM-DD)

**XII OFFICIAL USE****Local Government Authority**

Reason for submission (Please check one or more of the following)

Subdivision application ☐ Zoning application ☐ Development permit ☐ Variance permit ☐ Demolition permit ☐ Soil removal ☐

Date received:

Local Government contact :

Name \_\_\_\_\_

Agency \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Date submitted to  
Site Registrar:

Date forwarded to  
Director of Waste  
Management:

**Director of Waste Management**

Reason for submission (Please check one or more of the following)

Under Order ☐ Site decommissioning ☐ Foreclosure ☐

Date received:

Assessed by:

Name \_\_\_\_\_

Region \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

If site profile entered, SITE ID # \_\_\_\_\_

Investigation  
Required?

YES NO

Decision date:

**Site Registrar**

Date received:

Entered onto Site Registry by:

SITE ID #:

Entry date: