



REGULAR MEETING

For the **REGULAR MEETING** of Council to be held on May 30, 2022 at 7:00 pm in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

1. CALL TO ORDER

2. ADOPTION OF AGENDA

Recommendation:

THAT the Agenda for the Regular Council Meeting of May 30, 2022 be adopted as presented.

3. MINUTES

a) Recommendation:

THAT the Minutes of the Special Council Meeting of May 9, 2022 be adopted.
(attached)

b) Recommendation:

THAT the Minutes of the Regular Council Meeting of May 9, 2022 be adopted.
(attached)

4. REPORTS & RESOLUTIONS

a) Report from Communications Re: Application to UBCM Awards for Branding Project

(attached)

Recommendation:

THAT Council support, by resolution, the City's application to the 2022 UBCM Community Excellence Awards for the municipal branding project.

b) Report from Planning Re: DVP-22-12

(attached)

Recommendation:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) application no. 22-12.

c) Report from the Corporate Administrator Re: Cannabis Regulation.

(attached)

Recommendation:

THAT Council direct Staff to research and prepare an appropriate bylaw to regulate, prohibit or impose requirements on controlled substances; and,

THAT Council lobby upper levels of government to address the issue of regulation through further amendments of the *Cannabis Act*.

5. BYLAWS

a) City of Prince Rupert Zoning Amendment Bylaw No. 3492, 2022.

(attached)

Recommendation:

THAT Council consider any feedback received from the Public Hearing and give Third Reading to the City of Prince Rupert Zoning Amendment Bylaw No. 3492, 2022.

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT



MINUTES

For the **SPECIAL MEETING** of Council held on May 9, 2022 at 5:00 p.m. in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Mayor L. Brain
Councillor B. Cunningham
Councillor W. Niesh
Councillor N. Adey
Councillor B. Mirau

PRESENT: Councillor G. Randhawa
Councillor R. Skelton-Morven

STAFF: R. Buchan, City Manager
R. Miller, Corporate Administrator
C. Bomben, Chief Financial Officer

1. CALL TO ORDER

The Mayor called the Special Meeting of Council to order at 5:01 p.m.

2. RESOLUTION TO EXCLUDE THE PUBLIC

MOVED by Councillor Adey and seconded by Councillor Niesh that the meeting be closed to the public under Section 90 of the Community Charter to consider items relating to one or more of the following:

- (k) negotiations and related discussions respecting proposed provision of a municipal service that are at their preliminary stage and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



MINUTES

For the **REGULAR MEETING** of Council held on May 9, 2022 at 7:00 p.m. in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

PRESENT: Mayor L. Brain
Councillor W. Niesh
Councillor G. Randhawa
Councillor B. Cunningham
Councillor N. Adey
Councillor B. Mirau
Councillor R. Skelton-Morven

STAFF: R. Buchan, City Manager
R. Miller, Corporate Administrator
C. Bomben, Chief Financial Officer

1. CALL TO ORDER

The Chair called the Regular Meeting of Council to order at 7:00 p.m.

2. ADOPTION OF AGENDA

MOVED by Councillor Adey and seconded by Councillor Randhawa THAT the agenda of May 9, 2022 be adopted as presented.

CARRIED

3. MINUTES

a) MOVED by Councillor Skelton-Morven and seconded by Councillor Niesh THAT the Minutes of the Special Council Meeting of April 25, 2022 be adopted.

CARRIED

b) MOVED by Councillor Cunningham and seconded by Skelton-Morven THAT the Minutes of the Regular Council Meeting of April 25, 2022 be adopted.

CARRIED

c) MOVED by Councillor Randhawa and seconded by Councillor Adey THAT the Minutes of the Committee of the Whole meeting of April 25, 2022 be adopted.

CARRIED

- d) MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven THAT the Minutes of the Special Meeting of May 2, 2022 be adopted.

CARRIED

- e) MOVED by Councillor Niesh and seconded by Councillor Cunningham THAT the Minutes of the Special Regular Meeting of May 2, 2022 be adopted.

CARRIED

4. REPORTS & RESOLUTIONS

- a) **Report from Planning Re: Development Activity Report – April 2022**

- b) **Report from the Chief Financial Officer/Deputy City Manager Re: Service Provider Agreement.**

MOVED by Councillor Randhawa and seconded by Councillor Cunningham THAT Council approve the Service Provider Agreement between the City of Prince Rupert and Kaien Island Trail Enhancement and Recreation Society (the "Society") for the purpose of Liability Insurance Coverage by the Municipal Insurance Association ("MIA").

CARRIED

- c) **Report from the Chief Financial Officer/Deputy City Manager Re: Alternative Approval Process for Police Detachment Loan Authorization No. 3484, 2022.**

MOVED by Councillor Niesh and seconded by Councillor Skelton-Morven THAT Council, in accordance with s. 86(3) of the *Community Charter*, establishes June 27th, 2022 at 4:30m as the deadline by which elector responses, under the alternative approval process for Bylaw No. 3484, 2022 must be submitted to the City of Prince Rupert by qualified electors within the participating area;

AND THAT the elector response form attached as Attachment 1 be approved and established as the single response form for Bylaw No. 3484, 2022;

AND THAT the notice of alternative approval process attached as Attachment 2 entitle Notice of Alternative Approval Process Police Detachment Loan Authorization Bylaw No. 3484, 2022 be approved;

AND FURTHER THAT, pursuant to s. 86(3) of the *Community Charter*, a fair determination of the total number of eligible electors within the participating area is 9,581, with 10% of eligible electors amounting to 958.

CARRIED

d) Report from the Chief Financial Officer / Deputy City Manager Re: 2021 Audited Financial Statements (the “Statements”).

MOVED by Councillor Adey and seconded by Councillor Randhawa THAT Council accepts the 2021 Audited Financial Statements as presented.

CARRIED

e) Report from the Corporate Administrator Re: Letter of Support for Northern BC Tourism

MOVED by Councillor Adey and seconded by Councillor Randhawa THAT Council direct staff to provide a Letter of Support to Northern BC Tourism in their application to the Northern Healthy Communities Fund to support the re-establishment and evolution of the Tourism Resiliency Program.

CARRIED

5. BYLAWS

a) Road Closure Bylaw No. 3488, 2022.

MOVED by Councillor Niesh and seconded by Councillor Skelton-Morven THAT Council give Fourth & Final Reading of Road Closure Bylaw No. 3488, 2022.

CARRIED

b) Report from Planning Re: Zoning Amendment Bylaw No. 3492, 2022

MOVED by Councillor Skelton-Morven and seconded by Councillor Cunningham THAT Council:

1. GIVE First and Second Readings to the City of Prince Rupert Zoning Amendment Bylaw No. 3492, 2022 to allow a site-specific Zoning Bylaw text amendment for the property legally described as Parcel A (See G4248), Block 36, Section 1, District Lot 251, Range 5, Coast District, Plan 923 in order to add “Distillery” as a permitted use under its current C3: Service Commercial Zone; and
2. THAT Council proceed to Public Hearing.

CARRIED

c) Five Year Financial Plan Bylaw 3494, 2022.

MOVED by Councillor Skelton-Morven and seconded by Councillor Niesh THAT Council give Fourth & Final Reading to the City of Prince Rupert Five Year Financial Plan Bylaw No. 3494, 2022.

CARRIED

d) Report from the Chief Financial Officer Re: 2022 Property Tax Bylaw No. 3495, 2022.

MOVED by Councillor Niesh and seconded by Councillor Skelton-Morven THAT Council give Fourth & Final Reading to the City of Prince Rupert 2022 Property Tax Bylaw No. 3495, 2022.

CARRIED

6. REPORTS, QUESTIONS AND INQUIRIES FROM MEMBERS OF COUNCIL

7. ADJOURNMENT

MOVED by Councillor Cunningham and seconded by Councillor Skelton-Morven THAT the meeting be adjourned at 7:23 pm.

CARRIED

Confirmed:

MAYOR

Certified Correct:

CORPORATE ADMINISTRATOR



REPORT TO COUNCIL

Regular Meeting of Council

DATE: May 30th, 2022

TO: Robert Buchan, City Manager

FROM: Veronika Stewart, Communications Manager

SUBJECT: APPLICATION TO UBCM AWARDS FOR BRANDING PROJECT

RECOMMENDATION:

THAT Council support, by resolution the City's application to the 2022 UBCM Community Excellence Awards for the municipal rebranding project.

REASON FOR REPORT:

The City began a rebranding process in 2020 to replace the use of our outdated municipal crest, with the new logo, brand guidelines and design elements launched March 1st of 2022. In recognition of the efforts and quality output of Russell Mather, Will Creative, City staff and our focus group, the City is seeking Council support for an application to the UBCM Community Excellence Awards for the project.

BACKGROUND:

The Community Excellence Awards program celebrates municipalities who deliver services in an innovative and collaborative way. Among our neighbouring communities, Prince Rupert is unique in our adoption of a corporate brand that closely involved indigenous artist Russell Mather in a more standard re-branding process with an established firm. The end result marries the local Ts'msyen perspective with a simple design that is highly effective in its application across multiple platforms and sizes. The new brand also reaffirms the community's identity as the "City of Rainbows".

ANALYSIS:

The intent of the application is to celebrate the City's unique approach to developing a community identity, as well as the work of Russell Mather, Will Creative, and the feedback provided by our focus group of community members. A resolution of support from Council is required to complete the application.

COST:

The only cost to support this resolution is staff time to complete and submit the application.

CONCLUSION:

Staff is requesting that Council support by resolution the City's application to the 2022 UBCM Community Excellence Awards for the municipal rebranding project.

Report Prepared By:



Veronika Stewart,
Communications Manager

Report Reviewed By:

Robert Buchan,
City Manager



REPORT TO COUNCIL

Regular Meeting of Council

DATE: May 30th, 2022

TO: Robert Buchan, City Manager

FROM: Daniel Rajasooriar, Planner

**SUBJECT: DEVELOPMENT VARIANCE PERMIT #22-12
FOR 255-257 3RD AVENUE WEST**

RECOMMENDATION:

THAT Council proceed with the statutory notification process for Development Variance Permit (DVP) application #22-12.

REASON FOR REPORT:

An application was received for a Development Variance Permit for the property located at 255-257 3rd Avenue West.

The application involves:

1. A request for a variance of the City of Prince Rupert Zoning Bylaw, Section 10.17.0 (a) to have a maximum window coverage of 80% for a window sign. The maximum window coverage is 30% for a window sign. The applicant is requesting a variance of an additional 50% window coverage for a window sign.

The Sign Plan is included as Attachment 1 (A-B).

BACKGROUND AND ANALYSIS:

The proposed variance for maximum window coverage for a window sign is requested by the applicant to accommodate frosted vinyl window signs on three windows. The applicant rationalized the proposed variance for maximum window

coverage for a window sign in two ways. First, they believe the artistic element of the frosted vinyl window signs will be visually appealing to passersby. Second, they believe the design of the frosted vinyl window signs will not prevent passersby from looking into the new church location.

There are no known negative impacts of the proposed variance on the surrounding neighbourhood; however, the public will have the opportunity to provide input during the public consultation period.

The Draft Development Variance Permit is included as Attachment 2.

COST AND BUDGET IMPACT:

There are no costs or budget impacts to the City from granting, or not granting, the variance.

CONCLUSION:

It is recommended that Council proceed with the statutory notification process for this Development Variance Permit application, giving affected property owners and tenants the opportunity to express their views prior to Council's final consideration of the permit application.

Report Prepared By:

Daniel Rajasooriar,
Planner

Report Reviewed By:

Robert Buchan,
City Manager

Attachment(s):

- Attachment 1 (A-B): Sign Plan
- Attachment 2: Draft Development Variance Permit

Sign Plan

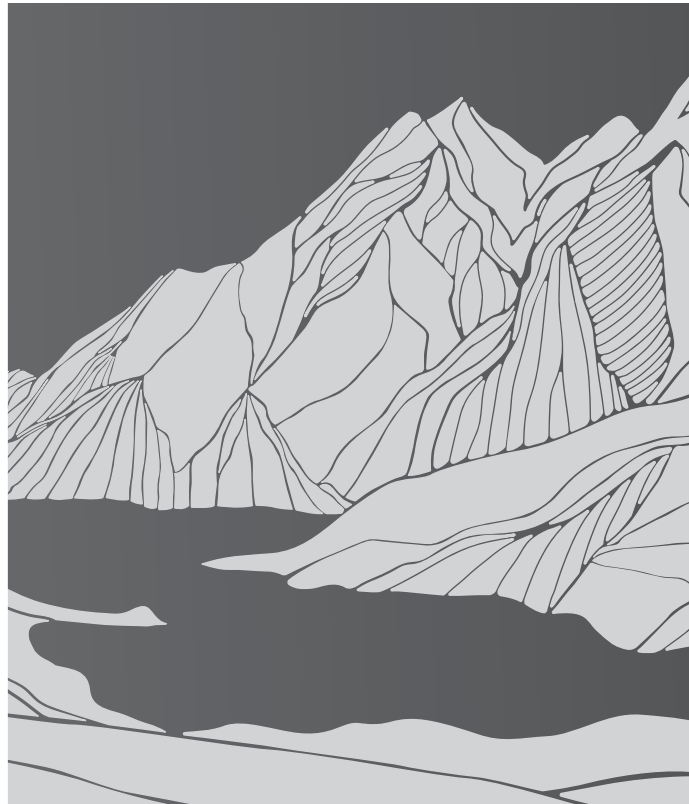
Placement of window decals at 255 3rd Avenue West:



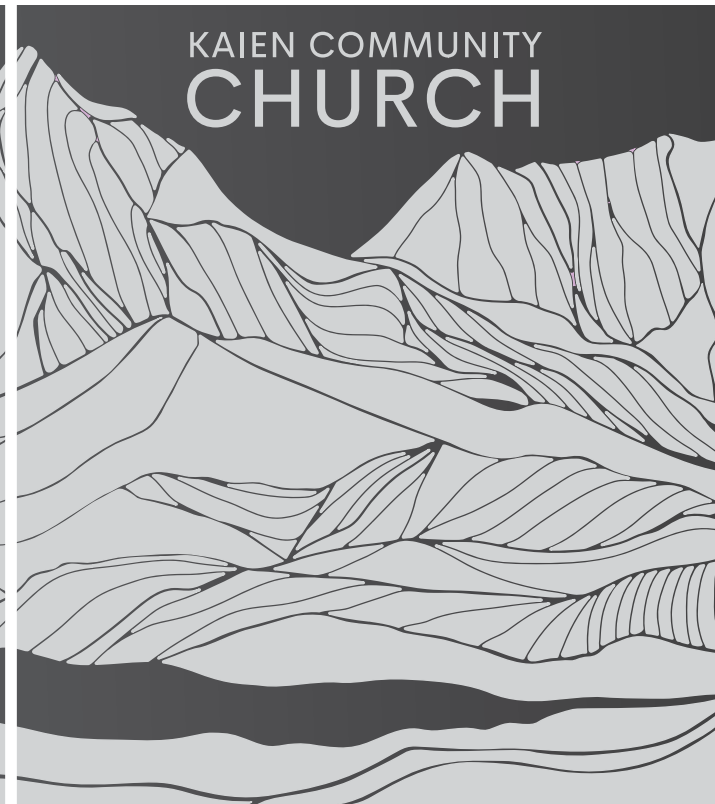
A



B



C



Order #71043 | Frost Window Vinyl - 3 panels 60.25"w x 68.5"h | Page 1 of 1



Dark grey background indicates transparent portion of window.



DEVELOPMENT VARIANCE PERMIT
FILE NO. DVP-22-12

PERMIT ISSUED BY: The City of Prince Rupert (the City), a municipality incorporated under the *Local Government Act*, 424 3rd Avenue, Prince Rupert, BC, V8J 1L7

PERMIT ISSUED TO OWNER(S): The Pentecostal Assemblies of Canada

APPLICANT: Kaien Community Church

1. This Development Variance Permit applies to those lands within the City of Prince Rupert that are described below, and any and all buildings, structures, and other development thereon:

LEGAL DESCRIPTION:

Lots 36-37 Block 34 Section 1 District Lot 251 Range 5 Coast District Plan 923

CIVIC ADDRESS(ES):

255-257 3rd Avenue West

2. This permit varies the City's Zoning Bylaw (Bylaw #3462) as follows:
 - a. Section 10.17.0 (a) is varied from a maximum window coverage of 30% for a window sign to a maximum window coverage of 80% for a window sign, in accordance with the Sign Plan attached as Schedule 1 (A-B).
3. This permit is issued subject to the following conditions to the City's satisfaction:
 - a. The permittee(s) develop(s) the proposed development in accordance with the Sign Plan attached as Schedule 1 (A-B).
 - b. Compliance with all of the bylaws of the City of Prince Rupert applicable thereto, except as specifically varied or supplemented.
4. If the permittee(s) does/do not substantially commence the development permitted by this permit within 24 months of the date of this permit, the permit shall lapse and be of no further force and effect.
5. This permit is **NOT** a Building Permit or Subdivision Approval.
6. This permit does not authorize works on adjacent properties. Encroachment on any adjacent property for the purposes of excavation, or the deposit or removal or fill requires the written consent of the owner of such adjacent property.

7. The terms and conditions contained in this permit shall inure to the benefit of, and be binding upon, the owner(s), their executors, heirs or administrators, successors and assignees as the case may be or their successors in title to the land.
8. The following plans and specifications are attached to and form part of this permit:
 - a. Schedule 1 (A-B): Sign Plan

ISSUED ON THIS _____ DAY OF _____, 2022.

CITY OF PRINCE RUPERT
By an authorized signatory

Rosamaria Miller
Corporate Administrator



REPORT TO COUNCIL

Meeting of Council

DATE: May 30, 2022
TO: Robert Buchan, City Manager
FROM: Rosa Miller, Corporate Administrator
SUBJECT: Cannabis Regulation

RECOMMENDATION:

THAT Council direct staff to research and prepare an appropriate bylaw to regulate, prohibit or impose requirements on controlled substances; and,

THAT Council lobby upper levels of government to address the issue of regulation further through amendments to the *Cannabis Act*.

REASON FOR REPORT:

Legalization of the cultivation, processing, sale and consumption of cannabis came into effect in 2018 with the *Cannabis Act* and supporting regulations. Local governments receive no notice or opportunity to comment on zoning compliance for medical cannabis production and in actuality, compliance with zoning is not legally required under the *Cannabis Act*.

The topic of public safety in regards to cannabis operations has become more prevalent with increasing calls for inspections and regulations for nuisance, odor and fire safety.

ANALYSIS:

The federal government allows adult medical cannabis users to register for authorization to produce medical cannabis for their own purposes.

In British Columbia, the under the *Cannabis Control and Licensing Act*, adults 19 years of age and older may grow up to four non-medical plants at the dwelling house where they ordinary reside.

Currently, the City of Prince Rupert's Zoning Bylaw No. 3462 and Official Community Plan Bylaw No. 3460 do contain some regulations and prohibitions in regards to cannabis grows within the municipality. These specific restrictions however may not apply to medical grows as the restrictions may be deemed unlawful on the constitutional rights of users to life, liberty and security of person.

Bylaws of general application (such as building bylaws) do apply to medical cannabis related development however their application may be constrained by human rights law, the doctrine of paramountcy and by privacy protections under the *Charter of Rights and Freedoms*. The application of these bylaws may help to regulate, but not prohibit, cannabis operations. The same does not hold true for non-medical grows.

Staff is recommending to Council that a bylaw be created to regulate cannabis cultivation through the use of nuisance (odor) considerations as well as imposing building code, electrical code and fire safety regulations. Any bylaw drafted will need to ensure it does not conflict with federal or provincial legislation and recognizes the supremacy of the *Canadian Charter of Rights and Freedoms*.

In addition, Staff is recommending that Council lobby upper levels of government to address the issue through amendments to the *Cannabis Act* using Federal of Canadian Municipalities ("FCM") resolutions, letters and meeting requests with relevant federal departments.

A fact sheet on Cannabis in Canada is available on the Government of Canada website at: <https://www.canada.ca/en/services/health/campaigns/cannabis.html>.

Public Safety information on Cannabis may be found on the Province's website at <https://www2.gov.bc.ca/gov/content/safety/public-safety/cannabis>.

The City of Prince Rupert is not in a position to take complaints or answer questions in regards to the legality of (medical) grows in Prince Rupert as the City receives no notice or has an opportunity to comment on zoning compliance. Residents are encouraged to send their complaints directly to Health Canada at the form included in this Report to Council. This information will also be uploaded to the City's website.

A form to report to Health Canada is available online at <https://health.canada.ca/en/health-canada/services/drugs-medication/cannabis/recalls-adverse-reactions-reporting/reporting-form.html>.

COST:

There is no cost to the City in this request and would be staff time only.

Report Prepared By:

Rosa Miller,
Corporate Administrator

Report Reviewed By:

Robert Buchan,
City Manager

CITY OF PRINCE RUPERT

ZONING BYLAW AMENDMENT BYLAW NO. 3492, 2022

A BYLAW TO AMEND THE CITY OF PRINCE RUPERT ZONING BYLAW NO. 3462, 2021

The Council of the City of Prince Rupert in an open meeting assembled, enacts as follows:

That the City of Prince Rupert Zoning Bylaw No. 3462, 2021 be amended as follows:

1. That Distillery be added as a permitted use under the C3: Service Commercial Zone exclusively at the lot legally described as Parcel A (See G4248) Block 36 Section 1 District Lot 251 Range 5 Coast District Plan 92.
2. That Section 6.3 of the City of Prince Rupert Zoning Bylaw No. 3462, 2021 shall be amended according to Schedule 1 attached hereto and forming a part of this Zoning Bylaw Amendment Bylaw No. 3492, 2022.
3. This Bylaw may be cited as "Zoning Bylaw Amendment Bylaw No. 3492, 2022.

Read a First time this ____ day of _____, 20__.

Read a Second time this ____ day of _____, 20__.

Public Hearing this ____ day of _____, 20__.

Read a Third time this ____ day of _____, 20__.

Final Consideration and Adopted this ____ day of _____, 20__.

MAYOR

CORPORATE ADMINISTRATOR

Proposed Amendment

Specific to the property legally described as Parcel A (See G4248) Block 36 Section 1 District Lot 251 Range 5 Coast District Plan 92, Section 6.3 shall be amended as follows:

6.3 C3: Service Commercial Zone

Permitted Uses:

Subject to general provisions, the following principal uses and no others are permitted:

- a) Retail use.
- b) Cannabis retail stores (subject to section 3.17.0).
- c) Personal service establishment.
- d) Office.
- e) Traveler accommodation.
- f) Child Care Facility.
- g) Camp site.
- h) Theatre.
- i) Assembly Hall;
- j) Service commercial use.
- k) Service station.
- l) Distillery.

Subject to general provisions, the following accessory uses or buildings and no others are permitted in retail and personal service use buildings:

- a) Multiple family dwellings with separate exterior entrances.
- b) Recycling centres with no more than 300m² of the gross floor area.
- c) Accessory buildings and structures.
- d) Home Office.

Lot Coverage

For multiple family dwellings (excluding mixed use buildings) 50% of the site area.

Minimum Dimensions Required for Yards

Front yard 3.6 metres.

Maximum Building Height

Maximum of 17 metres.