

**THE CORPORATION OF THE CITY OF GRAND FORKS
AGENDA – PRIMARY COMMITTEE MEETING**

**Monday October 24th, 2011
Council Chambers City Hall**

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <u>CALL TO ORDER</u>		Call Meeting to order after the Regular Meeting has been recessed
2. <u>PRIMARY COMMITTEE MEETING AGENDA</u> -	Agenda for October 24th , 2011	Adoption of Agenda
3. <u>REGISTERED PETITIONS AND DELEGATIONS:</u> None		
4. <u>UNFINISHED BUSINESS:</u> NONE		
5. <u>RECOMMENDATIONS FOR CONSIDERATION:</u>		
a) Corporate Officer's Report – Presentation on Smart Meters	Alex Love, Electrical Consultant for the City of Grand Forks will make a presentation to Council regarding Smart Meters	That Primary Committee recommends to Council to receive the presentation given by Alex Love regarding Smart Meters
b) Chief Financial Officer's Report – Presentation of Third Quarterly Report	Cecile Arnott, Chief Financial Officer will make a presentation regarding the third quarter report	That Primary Committee recommends to Council to receive the presentation given by the Chief Financial Officer regarding the third quarterly report
6. <u>OPERATIONAL DISCUSSIONS FROM STAFF:</u> None		
7. <u>INFORMATION ITEMS:</u> None		
8. <u>PROPOSED BYLAWS FOR DISCUSSION:</u>		
a) Corporate Officer's Report – Amendment of the Zoning Bylaw	Staff is presenting an amendment to the zoning bylaw for Council's consideration. This is a housekeeping bylaw that is correcting an error in the metric conversion from the imperial measurement regarding maximum height for buildings in the Community Use Zone	That the Primary Committee recommends to Council that Staff be directed to draft the appropriate zoning amendment bylaw and that Council waives the public hearing process pursuant to Section 890(4) of the Local Government Act.
9. <u>LATE ITEMS:</u>		
10. <u>REPORTS, QUESTIONS AND</u>		

INQUIRIES FROM MEMBERS OF COUNCIL (VERBAL

11. **QUESTION PERIOD FROM THE PUBLIC**

Attendees in the gallery may ask Council questions at this time.

Hear Presentations and refer any issues for further discussion.
Hear from the Public

12. **ADJOURNMENT**

Adjournment

**THE CITY OF GRAND FORKS
REQUEST FOR PRIMARY COMMITTEE
RECOMMENDATION**

DATE : **October 18, 2011**

TOPIC : **Presentation Regarding Smart Meters**

PROPOSAL : **Receive Presentation from Alex Love – Electrical Consultant for
The City of Grand Forks**

PROPOSED BY : **City Staff**

SUMMARY:

Alex Love, Electrical Consultant for the City of Grand Forks will take this opportunity to present a report on the Smart Meters issue.

STAFF RECOMMENDATION:

Primary Committee recommends to Council that the presentation made by Alex Love, Electrical Consultant for the City of Grand Forks regarding Smart Meters be received.

OPTIONS AND ALTERNATIVES:

Option 1: Receive the Presentation: Under this option, the Committee is provided with the information on Smart Meters from the Electrical Consultant.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1:

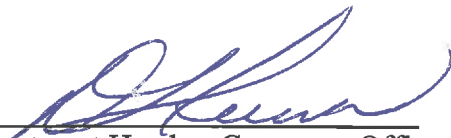
The main advantage is that Council is provided with the information on Smart Meters.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

None

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

It is customary in Grand Forks to present Council with reports on the various issues.



Department Head or Corporate Officer
Or Chief Administrative Officer



Reviewed by Chief Administrative Officer

**THE CITY OF GRAND FORKS
REQUEST FOR PRIMARY COMMITTEE
RECOMMENDATION**

DATE : **October 18, 2011**

TOPIC : **Third Quarter Report Presentation**

PROPOSAL : **Receive Presentation from Cecile Arnott – Chief Financial Officer for
The City of Grand Forks**

PROPOSED BY : **City Staff**

SUMMARY:

Cecile Arnott, Chief Financial Officer, for the City of Grand Forks will take this opportunity to present the Third Quarterly Report to Council.

STAFF RECOMMENDATION:

Primary Committee recommends to Council that the presentation made by Cecile Arnott, Chief Financial Officer for the City of Grand Forks regarding the third quarterly report be received.

OPTIONS AND ALTERNATIVES:

Option 1: Receive the Presentation: Under this option, the Committee is provided with the information regarding the Third Quarter Report.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1:


The main advantage is that Council is provided with the third quarter financial information.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

None

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

It is customary in Grand Forks to present Council with quarterly financial reports.



Department Head or Corporate Officer
Or Chief Administrative Officer



Reviewed by Chief Administrative Officer

**THE CITY OF GRAND FORKS
REQUEST FOR PRIMARY COMMITTEE
CONSIDERATION**

DATE : **October 17, 2011**

TOPIC : **Amendment to the Zoning Bylaw**

PROPOSAL : **To amend the Zoning Bylaw to correct the metric conversion to 12.2 Meter from 10 Meters to Equal 40 Feet Maximum Height for Principal Buildings**

PROPOSED BY : **Staff**

SUMMARY:

It has come to our attention that the metric and imperial measurements in the Community Use Zone do not equate. As stated in the Planning Technician's report, the original intent was to calculate the correct amount of meters to equal 40 Feet. Currently our Zoning Bylaw reads 40 feet or 10 metres, where in essence, the metric measurement should read 12.2 metres. Staff is proposing an amendment to the Zoning Bylaw to correct this error inasmuch this is a housekeeping amendment bylaw.

Section 890(4) allows a local government to waive the holding of a public hearing as it meets the criteria of the Act (attached). In addition, Ministry of Transportation and Infrastructure approval would not be required as this is a housekeeping amendment that is simply making a correction of equation to the Zoning Bylaw information. Notice of the waiving of a public hearing will be duly advertised pursuant to Section 893 of the Local Government Act.

STAFF RECOMMENDATIONS:

Option 1: That the Primary Committee recommends to Council that Staff be directed to draft the appropriate zoning amendment bylaw and that Council waives the public hearing process pursuant to Section 890(4) of the Local Government Act.

OPTIONS AND ALTERNATIVES:

Option 1: Direction is given to Staff to draft a Zoning Amendment Bylaw which would correct the metric conversion to 12.2 metre from 10 meters to equal to the Imperial Measurement of 40 Feet. This option will allow the proposal of an amendment bylaw to move forward.

Option 2: Council declines to direct Staff to draft a Zoning Amendment Bylaw.

This option will allow for the status quo. The error in metric conversion would remain in the bylaw.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1:

This option will provide the correction information to be placed in the Zoning Bylaw.

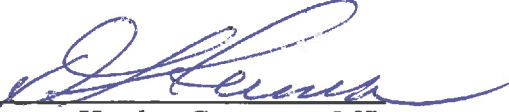
Option 2: This option will allow for the status quo and the conversion error will remain. There is a no advantage to this option.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

There will be a cost involved in amending the Zoning Bylaw as newspaper advertising is required.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

The ability to amend our existing Zoning Bylaw comes from the Local Government Act.



Department Head or Corporate Officer
Or Chief Administrative Officer



Reviewed by Chief Administrative Officer

THE CORPORATION OF THE CITY OF GRAND FORKS

STAFF MEMORANDUM

To: Diane Heinrich, Corporate Officer

Date: October 14, 2011

From: Kathy LaBossiere, Planning Tech



Community Use Zoning Amendment

It has come to our attention that in the Community Use zone, the metric and imperial measurements do not coincide.

The original intent was to allow the maximum height of a principal building to be 40 feet. The metric conversion of 10 meters only calculates to 32.8 feet. Bylaw #1926 is intended to amend the metric measurement to say 12.2 meters, which is 40 feet imperial measurement.

Section 890(4) of the Local Government Act allows Council to waive a public hearing and since this bylaw is basically a "housekeeping" amendment to correct an error and does not involve a certain piece of property, the public hearing can be waived.

Section 890(9) states that Council may adopt a zoning bylaw at the same meeting at which the bylaw passed third reading. Because the bylaw does not need to be signed by the Ministry of Transportation and Infrastructure, Council can consider third and final reading at the same time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. LaBossiere".

Kathy LaBossiere
PLANNING TECH
N:planning/xoning/CU amendment

(6) The minister may make regulations doing one or more of the following:

(a) in relation to subsection (3),

- (i) defining areas for which and describing circumstances in which referral to the Agricultural Land Commission under subsection (3) (c) is not required, and
- (ii) providing that an exception under subparagraph (i) is subject to the terms and conditions specified by the minister;

(b) in relation to subsection (4),

- (i) defining areas for which and describing circumstances in which approval by the minister under that subsection is not required, and
- (ii) providing that an exception under subparagraph (i) is subject to the terms and conditions specified by the minister.

(7) Regulations under subsection (6) (b) may be different for different regional districts, different areas and different circumstances.

2000-7-137 to 138; 2002-38-85 (B.C.Reg. 171/2002).

Repealed

(Rep) Jan 01/01

883. *Repealed.* [2000-7-137]

Effect of official community plans

884. (1) An official community plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan.

(2) All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of

(a) an official community plan, or

(b) an official community plan under section 711 of the *Municipal Act*, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act before the repeal of those sections became effective,

must be consistent with the relevant plan.

RS1979-290-949(1) and (2); 1985-79-8; 1987-14-14.

Repealed

(Rep) Jan 01/01

885. *Repealed.* [2000-7-140]

Part 26: Division 3

Repealed

(Rep) Jan 01/01

886. to 889. *Repealed.* [2000-7-141]

Part 26: Division 4 – Public Hearings on Bylaws

Public hearings

(Am) Jan 01/01

890. (1) Subject to subsection (4), a local government must not adopt an official community plan bylaw or a zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

(2) The public hearing must be held after first reading of the bylaw and before third reading.

(3) At the public hearing all persons who believe that their interest in property is affected by the proposed bylaw must be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw that is the subject of the hearing.

(Add) Jan 01/01

(3.1) Subject to subsection (3), the chair of the public hearing may establish procedural rules for the conduct of the hearing.

(4) A local government may waive the holding of a public hearing on a proposed bylaw if

(a) an official community plan is in effect for the area that is subject to a proposed zoning bylaw, and

(b) the proposed bylaw is consistent with the plan.

- (6) The obligation to deliver a notice under subsection (4) must be considered satisfied if a reasonable effort was made to mail or otherwise deliver the notice.
- (7) Subsection (4) does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration.
- (8) In respect of public hearings being held under section 890 (1) or waived under section 890 (4), a local government may, by bylaw,
- require the posting of a notice on land that is the subject of a bylaw, and
 - specify the size, form and content of the notice and the manner in which and the locations where it must be posted.
- (9) Specifications under subsection (8) (b) may be different for different areas, zones, uses within a zone and parcel sizes.

RS1979-290-957; 1985-79-8; 1987-14-21; 1992-18-88; 1994-43-68; 2000-7-143.

Notice if public hearing waived

- 893.** (1) If a local government waives the holding of a public hearing under section 890 (4), it must give notice in accordance with this section.
- (2) The notice must state
- in general terms, the purpose of the bylaw,
 - the land or lands that are the subject of the bylaw, and
 - the place where and the times and dates when copies of the bylaw may be inspected.
- (3) Section 892 (3) to (7) applies to a notice under subsection (2), except that
- the last publication under section 892 (3) is to be not less than 3 and not more than 10 days before the bylaw is given third reading, and
 - the delivery under section 892 (4) (b) is to be at least 10 days before the bylaw is given third reading.
- (4) to (7) *Repealed.* [2000-7-144]

(Sub) Jan 01/01

(Rep) Jan 01/01

RS1979-290-958; 1985-79-8; 1987-14-22; 1992-18-89; 2000-7-144.

Procedure after a public hearing

- 894.** (1) After a public hearing, the council or board may, without further notice or hearing,
- adopt or defeat the bylaw, or
 - alter and then adopt the bylaw, provided that the alteration does not
 - alter the use,
 - increase the density, or
 - without the owner's consent, decrease the density of any area from that originally specified in the bylaw.
- (2) A member of a council or board who
- is entitled to vote on a bylaw that was the subject of a public hearing, and
 - was not present at the public hearing
- may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member by
- an officer or employee of the local government, or
 - if applicable, the delegate who conducted the public hearing.
- (3) After a public hearing under section 890 (1) or third reading following notice under section 893, a court must not quash or declare invalid the bylaw on the grounds that an owner or occupier
- did not see or receive the notice under section 892 or 893, if the court is satisfied that there was a reasonable effort to mail or otherwise deliver the notice, or
 - who attended the public hearing or who can otherwise be shown to have been aware of the hearing, did not see or receive the notice, and was not prejudiced by not seeing or receiving it.

(Sub) Mar 31/08

RS1979-290-959; 1985-79-8; 1987-14-23, 24; 1989-59-18; 1994-52-108; 2008-5-85.

(5) More than one bylaw may be included in one notice of public hearing, and more than one bylaw may be considered at a public hearing.

(6) A written report of each public hearing, containing a summary of the nature of the representations respecting the bylaw that were made at the hearing, must be prepared and maintained as a public record.

(7) A report under subsection (6) must be certified as being fair and accurate by the person preparing the report and, if applicable, by the person to whom the hearing was delegated under section 891.

(8) A public hearing may be adjourned and no further notice of the hearing is necessary if the time and place for the resumption of the hearing is stated to those present at the time the hearing is adjourned.

(Sub) Jun 21/07

(9) Despite section 135 (3) [at least one day between third reading and adoption] of the *Community Charter*, a council may adopt an official community plan or zoning bylaw at the same meeting at which the plan or bylaw passed third reading.

RS1979-290-956; 1985-79-8; 1987-14-20; 1994-52-108; 2000-7-142; 2003-52-382; 2007-6-21 (B.C. Reg. 190/2007).

Delegating the holding of public hearings

(Am) Jan 01/04

891. (1) If a local government makes a delegation in relation to one or more public hearings,
- that delegation does not apply to a hearing unless the notice of hearing under section 892 includes notice that the hearing is to be held by a delegate, and
 - the resolution or bylaw making the delegation must be available for public inspection along with copies of the bylaw referred to in section 892 (2) (e).
- (2) If the holding of a public hearing is delegated, the local government must not adopt the bylaw that is the subject of the hearing until the delegate reports to the local government, either orally or in writing, the views expressed at the hearing.

1998-34-198; 2003-52-383.

Notice of public hearing

(Sub) Jan 01/01

892. (1) If a public hearing is to be held under section 890 (1), the local government must give notice of the hearing
- in accordance with this section, and
 - in the case of a public hearing on an official community plan that includes a schedule under section 970.1 (3) (b), in accordance with section 974.
- (2) The notice must state the following:
- the time and date of the hearing;
 - the place of the hearing;
 - in general terms, the purpose of the bylaw;
 - the land or lands that are the subject of the bylaw;
 - the place where and the times and dates when copies of the bylaw may be inspected.
- (3) The notice must be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 and not more than 10 days before the public hearing.
- (4) If the bylaw in relation to which the notice is given alters the permitted use or density of any area, the notice must
- subject to subsection (5), include a sketch that shows the area that is the subject of the bylaw alteration, including the name of adjoining roads if applicable, and
 - be mailed or otherwise delivered at least 10 days before the public hearing
 - to the owners as shown on the assessment roll as at the date of the first reading of the bylaw, and
 - to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is the subject of the bylaw alteration or is within a distance specified by bylaw from that part of the area that is subject to the bylaw alteration.
- (5) If the location of the land can be clearly identified in the notice in a manner other than a sketch, it may be identified in that manner.

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1927

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

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

AND WHEREAS Council deems it necessary to amend the Community Use zone;

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

1. That the City of Grand Forks Zoning Bylaw No. 1606, 1999 be amended as follows:

Section 50(2)(b) CU (Community Use) zone Height of Buildings to be 12.2 metres; and

2. That this bylaw may be cited for all purposes as the “**Amendment to the City of Grand Forks Zoning Bylaw No. 1927, 2011**”.

Read a **FIRST** time this _____ day of November, 2011.

Read a **SECOND** time this _____ day of November, 2011.

PUBLIC NOTICE ADVERTISED, pursuant to Section 890(4) of the *Local Government Act*, this _____ day of November, 2011 and this _____ day of November, 2011.

PUBLIC HEARING WAIVED in accordance with Section 890(4) of the *Local Government Act*.

Read a **THIRD** time this _____ day of November, 2011.

FINALLY ADOPTED this _____ day of November, 2011.

Mayor Brian Taylor

Diane Heinrich, Corporate Officer

CERTIFICATE

I hereby certify that the foregoing is a true copy of Bylaw No. 1927, cited as the "Amendment to the City of Grand Forks Zoning Bylaw No. 1927, 2011", as adopted by Council on the _____ day of November, 2011.

Corporate Officer of the Municipal Council of the
Corporation of the City of Grand Forks

The Corporation of the City of Grand Forks

NOTICE OF BYLAW NO. 1927

The Local Government Act requires notice be given of a proposed Zoning Amendment Bylaw where a Public Hearing has been waived pursuant to the Act;

Council of the City of Grand Forks by resolution adopted at a Council meeting held _____, 2011, waived the holding of a Public Hearing for the proposed Zoning Amendment Bylaw No. 1927, 2011;

Council of the City of Grand Forks will consider reading the proposed Zoning Amendment Bylaw No. 1927, 2011, a third time on

**NOVEMBER 21, 2011
AT 7:00 P.M.
IN THE CITY HALL COUNCIL CHAMBERS
LOCATED AT 7217-4th STREET
GRAND FORKS, B.C.**

The proposed City of Grand Forks Bylaw Number 1927, is intended to amend the City of Grand Forks Zoning Bylaw No. 1606, 1999 Section 50(2)(b) CU (Community Use) zone Height of Buildings to be 12.2 metres.

This bylaw may be inspected between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday (excluding holidays), until November 21, 2011, at the City Hall, 7217-4th Street, Grand Forks, B.C.

Dated this 8th day of November, 2011.

Diane Heinrich
Corporate Officer