

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

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

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <u>CALL TO ORDER</u>	6:30 p.m. Call to Order	Mayor to Declare this Public Hearing Open
2 <u>STAFF REPORT AND RECOMMENDATIONS</u>		
a) Bylaw No. 1920, Amendment to the City of Grand Forks Zoning Bylaw 1920, 2011		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. <u>ADJOURNMENT</u>		

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

DATE : August 30, 2011

TOPIC : Bylaw No. 1920, Amendment to the City of Grand Forks Zoning Bylaw

PROPOSAL : Holding of a Public Hearing, prior to giving Bylaw 1920 Third Reading

PROPOSED BY : City Staff / Applicant – Balwant & Usha Rani Sandhu

SUMMARY:

Bylaw 1920, cited as Amendment to the City of Grand Forks Zoning Bylaw No. 1920, 2011, received two readings at the Regular Meeting held on August 15th, 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 August 24th and August 31st, 2011. Council is now in a position to hold the public hearing.

FACTS SURROUNDING BYLAW 1920:

1. The bylaw is intended to amend the City of Grand Forks Zoning Bylaw No. 1606, 1999 to rezone the property located at 1726-72nd Avenue, legally described as Lots 13, 14 & 15, Block 10, DL 380, Plan 35 from the R-1 (Single and Two Family Residential) zone to the R-2 (Small Lot Residential) zone. With the new zoning in place, a new lot on the property could be created so that a second new low density residential home could be constructed.
2. The bylaw is in compliance with the Official Community Plan inasmuch as the OCP designates this property as Low Density Residential.
3. The focus of the zoning amendment is to ensure that the existing 3 small lots can accommodate the construction of an additional single family dwelling. This in-fill development is encouraged in the Official Community Plan.

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:

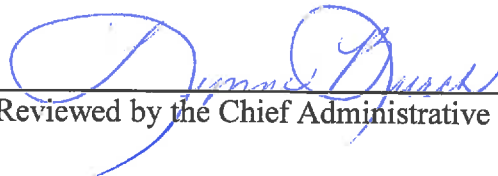
The City's cost of rezoning, including advertising is covered by the application fees charged for rezoning applications.

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

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1920

**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 1726-72nd 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 property located at 1726-72nd Avenue, legally described as Lots 13, 14, and 15, Block 10, District Lot 380, S.D.Y.D., Plan 35 from the R—1 (Single & Two Family Residential) zone to the R-2 (Small Lot Residential) zone, as shown outlined in bold on the attached map identified as Schedule "X".
2. That this Bylaw may be cited as the "**Amendment to the City of Grand Forks Zoning Bylaw No. 1920, 2011**".

Read a **FIRST** time this 15th day of August, 2011.

Read a **SECOND** time this 15th day of August, 2011.

PUBLIC HEARING NOTICE ADVERTISED, pursuant to the *Local Government Act* this 24th day of August, 2011, and also this 31st day of August, 2011.

PUBLIC HEARING HELD this 6th day of September, 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. 1920 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


CITY OF GRAND FORKS ZONING MAP


SCHEDULE "X"



From:  "Fitzpatrick, Donna M TRAN:EX" <Donna.Fitzpatrick@gov.bc.ca> 8/22/2011 9:33... 

Subject: Bylaw No 1920 to amend Zoning Bylaw 1606, 1999

To:  **Kathy LaBossiere**

Attachments:  Attach0.html 2K

Hi Kathy,

The Ministry of Transportation and Infrastructure has reviewed the proposed zoning bylaw noted above and has no objection to it. Ministry interests are unaffected.

If you have any questions, please call.

*Donna Fitzpatrick
District Development Technician
Ministry of Transportation & Infrastructure
West Kootenay District
Grand Forks Area Office
PO Box 850
7290 2nd Street
Grand Forks, BC V0H 1H0
phone: (250) 442-4311
fax: (250) 442-4317
email: Donna.Fitzpatrick@gov.bc.ca*

RECEIVED

AUG 26 2011

THE CORPORATION OF
THE CITY OF GRAND FORKS

THE CITY OF GRAND FORKS REQUEST FOR COUNCIL DECISION

COPY

DATE : August 9, 2011
TOPIC : Bylaw 1920 – Amendment to the City of Grand Forks Zoning Bylaw
PROPOSAL : First and Second Reading
PROPOSED BY : Corporate Officer

SUMMARY:

At the last Primary Committee Meeting on July 18th, 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 property located at 1726-72nd Avenue, legally described as Lots 13, 14 and 15, Block 10, District Lot 380, S.D.Y.D., Plan 35 from R-1 (Single and Two Family Residential) zone to R-2 (Small Lot Residential), be permitted to proceed to Public Hearing. In this regard, Bylaw 1920 is presented for first and second reading.

STAFF RECOMMENDATIONS:

Option 1: Council gives first and second reading to Bylaw No. 1920 “Amendment to the City of Grand Forks Zoning Bylaw No. 1920, 2011”.

OPTIONS AND ALTERNATIVES:

Option 1: Council gives Bylaw No. 1920 first and second reading. This option intends that the proposed amendment is 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 1726-72nd Avenue, will remain R-1 (Single and Two Family).

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

Option 1: This option will allow the proposal to re-zone property located at 1726-72nd Avenue, from R-1 (Single and Two Family) to R-2 (Small Lot Residential) 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 property will remain zoned as R-1 Single and Two Family Residential.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

There are the advertising costs, as well as the notifications to surrounding property owners. These costs are generally covered by the application fees charged.

COPY

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

The Local Government Act allows for amendments to a Zoning bylaw to be done by bylaw.



Department Head or Corporate Officer
or Chief Administrative Officer



Reviewed by Chief Administrative Officer

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

COPY

DATE : July 11, 2011

TOPIC : Amendment to the Zoning Bylaw

PROPOSAL : To amend the current Zoning Bylaw by rezoning property located at 1726-72nd Avenue from the current R-1 (Single and Two Family) to R-2 (Residential Small Lot)

PROPOSED BY : Applicants – Balwant & Usha Rani Sandhu

SUMMARY:

The City is in receipt of an application to rezone property located at 1726- 72 Avenue from R-1 (Single and Two Family) to R-2 Residential Small Lot. This proposal is consistent with the Official Community Plan and therefore there is no need to amend the plan. The property is comprised of three lots each measuring 30 x 125 feet for a total of 11,250 sq.ft. There is an existing single family dwelling on Lot 15. The proposal to rezone is based on the property owner's desire to create a new lot on the property so that a second new low density residential home could be constructed. This infill development is what is intended and encouraged by the Official Community Plan in this particular area of the City, and Council's policy in this matter is included in Section 5.4 through 5.6 "Low Density Residential Transition" of the Official Community Plan.

Attached is a report from the Planning Tech, outlining the specific details of the proposal.

STAFF RECOMMENDATIONS:

Option 1: That the Primary Committee recommend to Council that Staff be directed to draft the appropriate zoning amendment bylaw for the property located at 1726-72nd Avenue legally known as Lots 13, 14 & 15, Block 10, D.L. 380, Plan 35 from R-1 (Single and Two Family Residential) to R-2 (Small Lot Residential) and that this bylaw be permitted to proceed to public hearing.

OPTIONS AND ALTERNATIVES:

Option 1: Direction be given to Staff to draft a Zoning Amendment Bylaw which would rezone the subject property from R-1 (Single and Two Family) to R-2 (Small Lot Residential). This option will allow the proposal of an amendment bylaw to be forwarded to the public hearing process. After hearing presentations at the public hearing, Council may consider proceeding with the amendment.

Option 2: Council declines to permit the proposed amendments to proceed as requested. This option will allow for the status quo, with no rezoning of property at 1726-72nd Avenue.

BENEFITS, DISADVANTAGES AND NEGATIVE IMPACTS:

COPY

Option 1: This option will provide the opportunity for the property to be re-developed with an additional single family dwelling on a smaller residential lot. Currently the property is comprised of 3 small lots with one single family dwelling. Rezoning the property as proposed to Small Lot Residential would provide the potential for an additional lot to be developed with a smaller single family dwelling. The benefit to this proposal is its consistency with the City's Official Community Plan. This proposal also provides for potential in-fill and sustainable development

Option 2: This option will allow for the status quo to remain and no potential for an additional small residential lot will be realized.

COSTS AND BUDGET IMPACTS – REVENUE GENERATION:

There are costs involved in any amendment to the Zoning Bylaw such as newspaper advertising, and statutory notifications of surrounding property owners. Generally speaking the application fee collected is intended to cover these costs.

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

THE CORPORATION OF THE CITY OF GRAND FORKS

COPY

STAFF MEMORANDUM

To: Diane Heinrich, Corporate Officer
Date: June 17, 2011
From: Kathy LaBossiere, Planning Tech

Sandhu Rezoning Application

We have received an application for rezoning of property legally described as Lot 13, 14 & 15, Block 10, D.L. 380, Plan 35 located at 1726-72 Avenue. The applicant wishes to rezone the property from the current R-1 (Single & Two Family) residential zone to R-2 (Residential Small Lot) zone.

The lots are each 30 feet by 125 feet in size for a total square footage of 11,250 and there is an existing single family residence and accessory buildings located on Lot 15. The minimum parcel size in the R-2 zone is 5,220sq ft which would be enough to create one new lot in the R-2 zone.

The applicant would like to create a new lot, if the rezoning to small lot is approved. The City would collect development cost charges for the new lot and create a new taxable property.

City utility services to the property are located at 17th Street and at 72nd Avenue.

The OCP designates this property as Low Density Residential. The objectives in this designation is to provide infill opportunities in areas where single family/low density housing exists and to provide for a range of low density housing styles.

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\sandhu\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. 144518

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:

Balwant Sandhu + Usha Rani Sandhu

Mailing Address: Box 2645 Central
GF

VOH 1H2

Telephone: 250-442-8760

Full Legal Description of property to be rezoned:

Lots 13, 14, 15, Block 10, D.L. 380 Plan 35
D/L 380 Plan 35

Street Address of Property 1726-72 Avenue

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.

Balwant Singh
Signature of Owner

June 10, 2011
Date

AGENT'S AUTHORIZATION

I hereby authorize :

(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:

Rezone property from R-1 (single + two family) residential to R-2 (residential - small lot) Zone

DECLARATION PURSUANT TO THE WASTE MANAGEMENT ACT

I, Balwant Sandhu, 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*.

Balwant Sandhu
(signature)

June 10, 2011
(date)

CENTRAL AVENUE

17TH STREET

DONALDSON DRIVE

Image Date: 5/14/2007



2005

49°01'39.10"N 118°27'26.42"W elev 1732 ft

Image © 2011 DigitalGlobe

© 2011 Google

Google

Eye alt 3034 ft

SECTION 35

R-2 (Residential – Small Lot) Zone

Permitted Uses

1. The following uses and no others are permitted in an R-2 zone:

- (a) dwelling units;
- (b) religious centres;
- (c) day care centres;
- (d) bed and breakfast accommodations;
- (e) home occupations.

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

- (f) any accessory building or structure for any of the above uses.

Regulations

2. On a parcel of land located in an R-2 zone:

Minimum Parcel Size for Subdivision purposes

- (a) The minimum parcel size is 10,120 square metres (108,913 sq.ft. or 2.5 acres) where there is no community sewage or water system;
- (b) The minimum parcel size is 2,024 square metres **1,393.5 square meters (15,000sq ft)** when the parcel is either connected to a community sewage or water system, but not both;
- (c) The minimum parcel size is 485 square metres (5,220 sq.ft.) when the parcel is connected to both a community sewage and water system.

BYLAW 1800

Number and type of Dwelling Units allowed

- (d) One of the following types of dwelling units is allowed on a parcel of land in an R-2 zone;
 - (i) One single-family dwelling, or
 - (ii) One two-family dwelling.

Height

- (e) No building or structure shall exceed 9.75 metres (32 ft) in height. No accessory building or structure shall exceed 4.8 metres (16 ft) in height.

SECTION 35

R-2 (Residential – Small Lot) Zone cont'd

Setbacks

- (f) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
 - (i) 6 metres (20 ft) of a front parcel line;
 - (ii) 1.5 metres (5 ft) of an interior side parcel line;
 - (iii) 4.6 metres (15 ft) of an exterior side parcel line; or
 - (iv) 6 metres (20 ft) of a rear parcel line.

Accessory Buildings

- (g) The total of all the accessory buildings shall have a floor area not greater than 50% of the principal structure;
- (h) No accessory building shall be located closer than 1.5 metres (5 ft) to a rear parcel line and not closer to the front parcel line than the facing wall of the principal building, to which it is accessory.

Lot Area Coverage

- (i) The maximum permitted lot area coverage shall be as follows:
Principal building with all accessory buildings and structures 50%

Additional requirements

- (j) ~~deleted by Bylaw 1679~~
- (k) The minimum size for a single-family dwelling shall be 75 square metres (800 sq.ft.);
- (l) See Sections 13 to 30A of this Bylaw.

Low Density Residential (LDR)

5.4 Interpretation:

Low Density Residential (LDR)

Examples of the suggested uses include, but are not limited to the following:

- single family dwellings;
- manufactured homes including mobile home parks;
- duplexes;
- home based business;
- small parks;
- small churches (less than 5,000 square feet);
- local convenience stores.

5.5 Objectives:

Council's objectives are as follows:

- .1 Provide infill opportunities in areas where single family/low density housing exists.
- .2 Maximize the municipal services within existing residential areas.
- .3 Require all Low Density Residential development to connect to municipal water and sewer systems as it becomes available.
- .4 Provide for a range of low density housing styles.

5.6 Policies:

Council's policies are as follows:

- .1 Establish maximum densities that do not exceed 20 units per net hectare;

**"Setting the
foundation for
another 100
years"**

Amendment
Bylaw No.1695

- .2 Work towards establishing separate zones in the Zoning Bylaw for Single Family, Duplex, and Mobile Homes after examining the implications of creating separate zones;
- .3 Examine the implications of revising the Zoning Bylaw to permit secondary suites in Low Density Residential areas subject to specific criteria and licensing requirements.
- .4 Permit the use of single-family dwellings for bed and breakfast operations provided they contain less than 3 suites.
- .5 Consider allowing churches within Low Density Residential areas if they are less than 5,000 square feet and in accordance with other zoning requirements. A church will only be allowed within a Low Density Residential area upon rezoning.
- .6 Consider allowing Group Homes, Extended Care, Seniors and Special Needs Housing or other facilities subject to the Community Care Facilities Act in Low Density Residential areas. These facilities will only be allowed within a Low Density Residential area upon rezoning.

**In considering the merits of a proposal for such a facility, Council will seek to ensure that they respect the scale and character of the surrounding residential development and that they do not become concentrated in any one particular area.*

**Notwithstanding the provisions of Section 5.6.1, the density for such facilities may therefore be modestly increased, as long as the overall character of the low-density residential area is preserved.*
- .7 Manufactured home development meeting CSA Z240 and CSA A277 certified standards will be permitted in the low density residential area bounded by Kettle River Drive to the north, the Kettle River to the west, the City of Grand Forks Municipal Boundary to the south and Division Road to the east.