

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

**Tuesday October 15th, 2013 – 6:00 p.m.
Council Chambers City Hall**

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <u>CALL TO ORDER</u>	6:00 p.m. Call to Order	Mayor to Declare this Public Hearing Open
2. <u>STAFF REPORT AND RECOMMENDATIONS</u>		
a) Bylaw No. 1990, Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999	Holding of a Public Hearing, prior to giving Bylaw 1990 third reading. The Public Hearing allows any person present to voice concerns regarding the property affected by the proposed bylaw located at 2675 Central Avenue.	Council hear from the public, 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.
13. <u>ADJOURNMENT</u>		

Oct 15

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

DATE : September 30, 2013

TOPIC : Bylaw No. 1990 – Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999

PROPOSAL : Holding of a Public Hearing, prior to giving Bylaw 1990 Third Reading

PROPOSED BY : Manager of Development & Engineering Services

SUMMARY:

Bylaw No. 1990, cited as the “Amendment to the City of Grand Forks Zoning Bylaw No. 1990, 2013, which intends to rezone property located at 2675 Central Avenue, legally described as Lot 2, District Lot 520, S.D.Y.D., Plan EPP31267, from R-1 (Single & Two-Family Residential) to HT (Highway & Tourist Commercial).

At the September 30th Regular Council meeting, Bylaw No. 1990 received first and second readings. Prior to giving a rezoning 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 October 2nd and 9th, 2013 and letters were sent to surrounding property owners, informing them that there will be a Public Hearing scheduled for October 15th, 2013. Council is now in a position to hold the Public Hearing and to hear any public input on the proposed rezoning.

STAFF RECOMMENDATIONS:

Option 1: Council hold the public hearing as advertised, allowing any person present who believes that his or her interest in the properties are affected 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 application, within the parameters set out in the Sustainable 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(s).

Option 2: Council 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 and letters to the surrounding property owners, is covered by the application fees charged for a rezoning application.

LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:

The Local Government Act outlines the requirements for the holding of Public Hearings.



Department Head or Chief Administrative
Officer



Reviewed by Chief Administrative
Officer

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1990

**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 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 property located at 2675 Central Avenue, legally described as Lot 2, District Lot 520, S.D.Y.D., Plan EPP31267 from the current R-1 (Single & Two Family Residential) zone, to the HT (Highway & Tourist Commercial) 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. 1990, 2013**".

READ A FIRST TIME this 30th day of September, 2013.

READ A SECOND TIME this 30th day of September, 2013.

PUBLIC HEARING NOTICE ADVERTISED, pursuant to the Local Government Act this 2nd day of October, 2013 and also this 9th day of October, 2013.

PUBLIC HEARING HELD this ____ day of _____, 2013.

READ A THIRD TIME this ____ day of _____, 2013.

APPROVED by the Ministry of Transportation & Infrastructure, on this ____ day of _____, 2013.

Approving Officer

FINALLY ADOPTED this _____ day of _____ 2013.

Brian Taylor - Mayor

Diane Heinrich – Corporate Officer

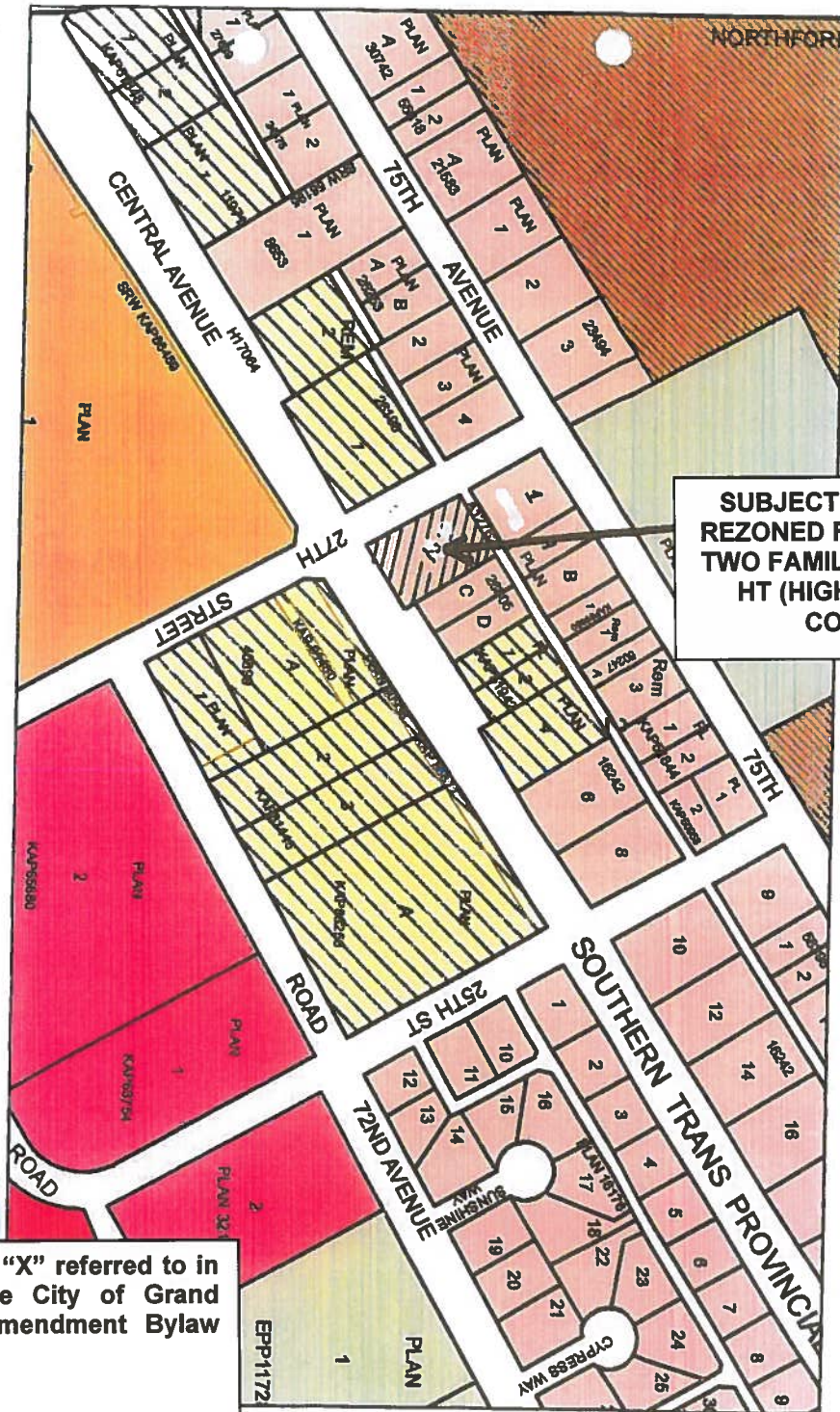
CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1990 as passed by the Municipal Council of the City of Grand Forks on the _____ day of _____, 2013.

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

**CITY OF GRAND FORKS
ZONING MAP**

SCHEDULE "X"



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

**This is Schedule "X" referred to in
Section 1 of the City of Grand
Forks Zoning Amendment Bylaw
No. 1990, 2013.**

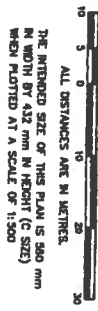
Date of Adoption

Corporate Officer

**SUBDIVISION PLAN OF LOT 6, BLOCK 2,
DL 520, SDYD, PLAN 5210.**

RCSS APE 0008

PLAN EPP32167



LEGEND

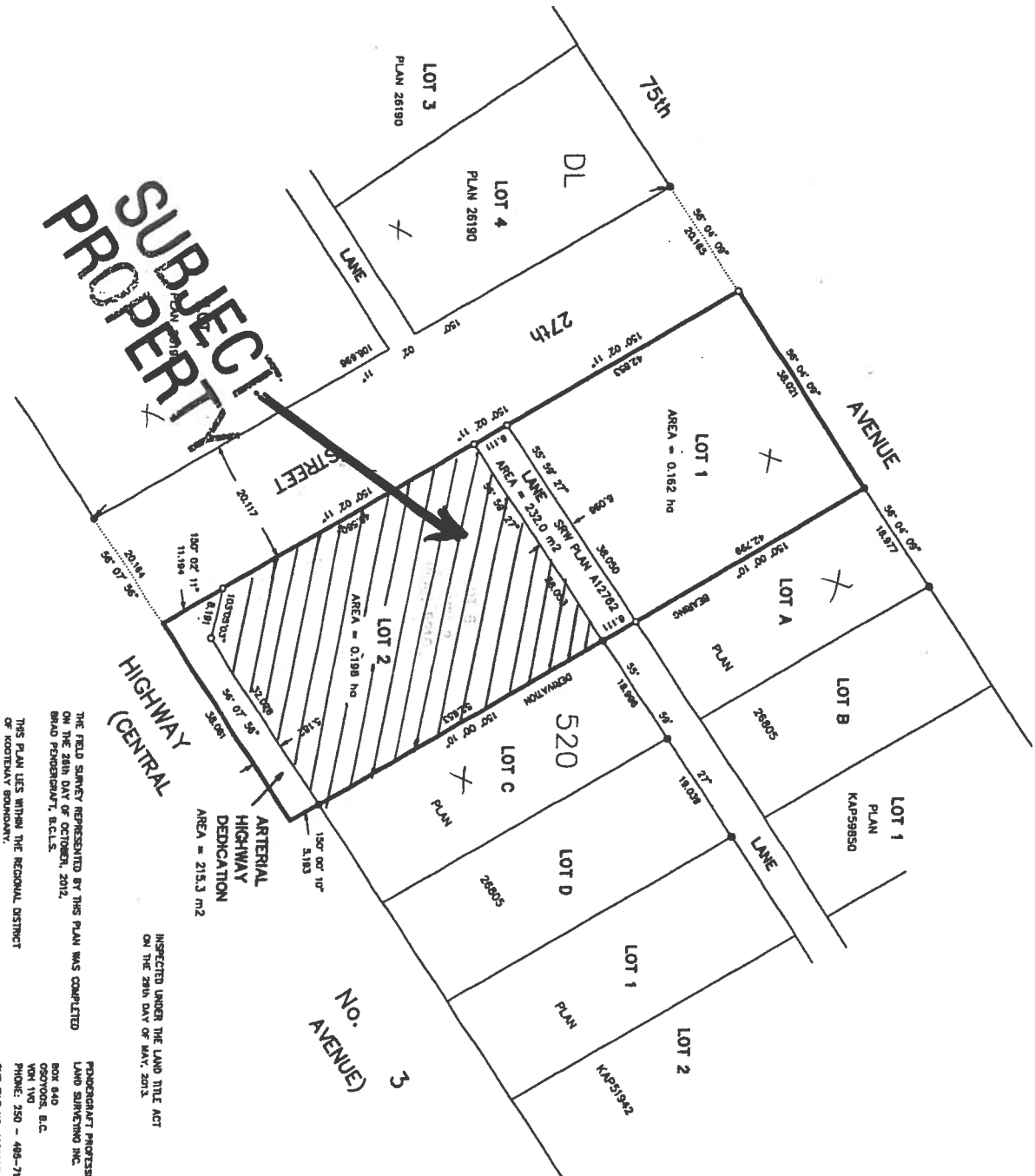
- BEARINGS ARE ASTROMERIC AND DERIVED FROM PLAN 26190.
- DENOTES STANDARD IRON POST PLACED
- DENOTES STAMPOED IRON POST FOUND

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICERS FOR THE CITY OF OMAHA FORKS.

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICERS OF THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE MOTI FILE 2012-04410 (A11/12)

THIS PLAN MADE DEDICATES ARTERIAL HIGHWAY AS AUTHORIZED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE

**SUBJECT
PROPERTY**



THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 28th DAY OF OCTOBER, 2012.
BRAD PENDERGRIFT, E.C.S.L.S.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF KODOTSKY BOUNDARY.

INSPECTED UNDER THE LAND TITLE ACT ON THE 28th DAY OF MAY, 2013.

PROFESSIONAL
LAND SURVEYING INC.
BOX 640
OSOTONOS, B.C.
VAN 1V0
PHONE: 250 - 488-7127
OUR FILE NO. 1122283.509

**SUBJECT
PROPERTY**



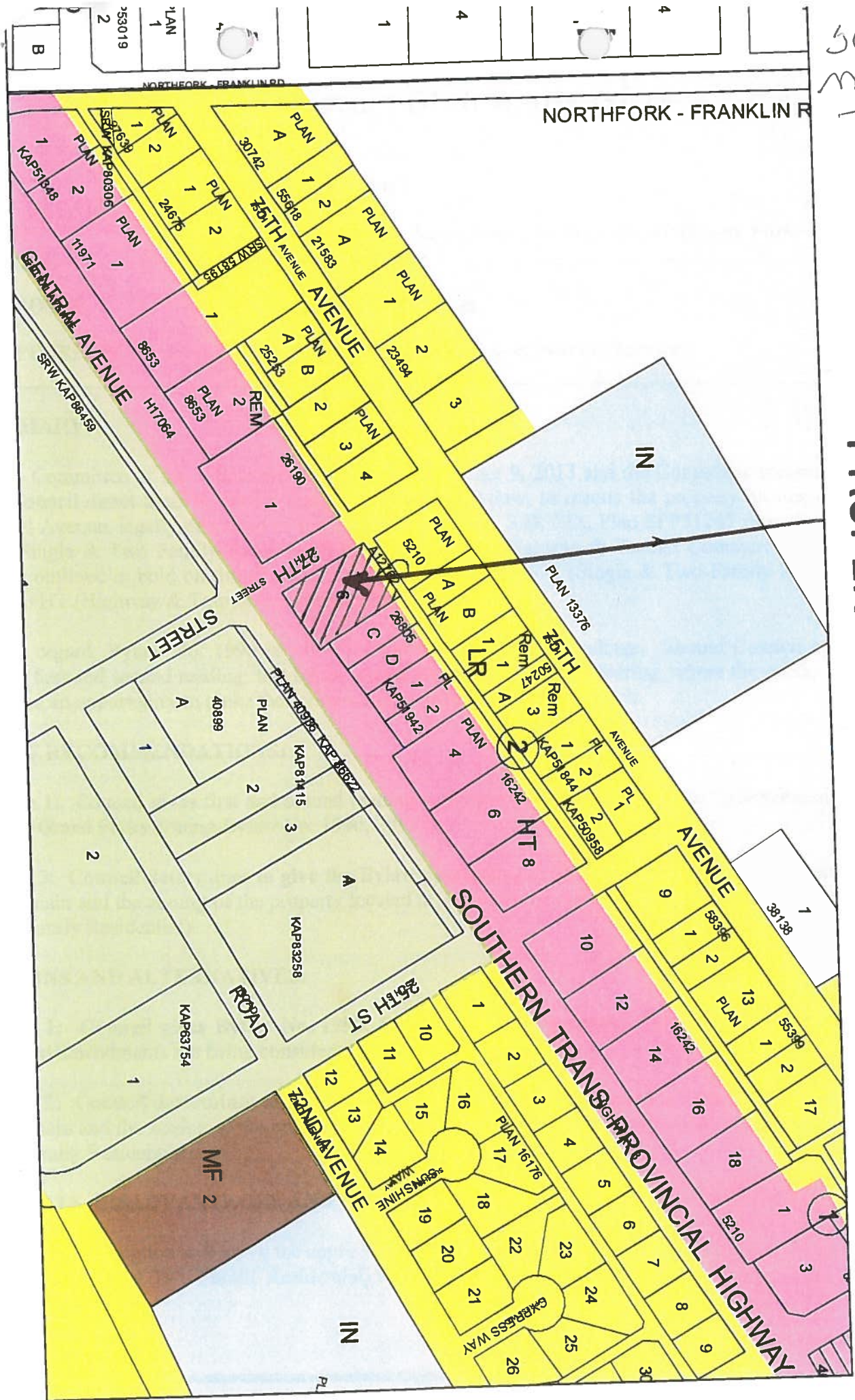
Google earth

Image © 2013 DigitalGlobe

43°01'27.17" N 116°28'10.56" W elev 1734 ft eye alt 3196 ft

Imagery Date: 5/11/2010

SCP
map



**SUBJECT
PROPERTY**

containing information

October 1, 2013

«First_Name» «Last_Name»
«Address_Line_1»
«City» «State»
«ZIP_Code»

Dear «Salutation»

NOTICE OF PUBLIC HEARING
City of Grand Forks Zoning Amendment Bylaw No. 1990

Property Location: 2675 Central Avenue
Legal Description: Lot 2, District Lot 520, S.D.Y.D., Plan EPP31267
Applicant: Arild Engen, Agent for Barbara and Jacques Boizeau

As you are the registered owner or occupier of property located near the property mentioned above, please be advised that a Public Hearing with respect to Bylaw #1990, will be held on Tuesday, October 15, 2013, at 6:00pm, upstairs in the City Hall Council Chambers, located at 7217-4th Street.

Bylaw #1990 is intended to amend the City of Grand Forks Zoning Bylaw #1606, 1999, by rezoning Lot 2, District Lot 520, S.D.Y.D., Plan EPP31267 from the current R-1 (Single and Two-Family Residential) zone to HT (Highway & Tourist Commercial) zone, as shown on attached location map.

All persons who believe their interest to be affected by this application will be afforded an opportunity to be heard at the Public Hearing.

Copies of Bylaw #1990, may be viewed at the Grand Forks City Hall, 7217-4th Street, Tuesday to Friday (excluding holidays), between the hours of 9:00am to 4:00pm, until October 15, 2013.

Yours truly,

Kathy LaBossiere
PLANNING TECH

**see enclosed location map