

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

**Monday September 9<sup>th</sup>, 2013 – 6:00 p.m.  
Council Chambers City Hall**

<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1. <b><u>CALL TO ORDER</u></b>	6:00 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. 1987, Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999</b>	Holding of a Public Hearing, prior to giving Bylaw 1987 third reading. The Public Hearing allows any person present to voice concerns regarding the property affected by the proposed bylaw – 7850 2 <sup>nd</sup> St (Wildlife Hall).	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 and ensuring that as a Council, hearing from the public is required to take all submissions and then base the facts relevant to the rezoning request, within the parameters set out in the Sustainable Community Plan and the existing zoning bylaw.
13. <b><u>ADJOURNMENT</u></b>		

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

**DATE** : August 09, 2013

**TOPIC** : Bylaw No. 1987 – Amendment to the City of Grand Forks Zoning Bylaw No. 1606, 1999

**PROPOSAL** : Holding of a Public Hearing, prior to giving Bylaw 1987 Third Reading

**PROPOSED BY** : City of Grand Forks

**SUMMARY:**

Bylaw No. 1987, cited as the “Amendment to the City of Grand Forks Zoning Bylaw No. 1987, 2013, received first and second readings at the Regular Meeting held on August 19, 2013. 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 August 21<sup>st</sup> & 28<sup>th</sup>, 2013. Council is now in a position to hold the public hearing.

In mid February of 2013, a Request for Proposal was issued to proponents interested in leasing 7850 - 2<sup>nd</sup> St., which is known as the Wildlife Hall. We received one proposal from the First Baptist Church. The property legally described as Lot 1, District Lot 585, S.D.Y.D., Plan 27903 is currently zoned as R-4 Rural Residential and does not allow for religious centers, as a permitted use, in that zone. Thereby, Staff requested that the property be rezoned from the current R-4 (Rural Residential) to the R-3 (Multi-Family Residential), which allows for a religious center, as a permitted use.

**FACTS SURROUNDING BYLAW 1987:**

1. The bylaw is intended to rezone property located at 7850-2<sup>nd</sup> Street and legally described as Lot 1, District Lot 585 SDYD, Plan 27903 from R-4 (Rural Residential) to R-3 (Multi-Family Residential) zone.
2. The focus of the rezoning of 7850-2<sup>nd</sup> Street, is so that the City can lease the existing building to be used as a Church.
3. The property is designated as a Hillside Development Permit area. The justification in the SCP states that certain areas in Grand Forks are subject to hazardous conditions consisting of steep hillsides which may be susceptible to rock fall, landslide and subsidence. However, the Church will not be building a new building, but rather renovating the inside of the existing structure. Therefore, a development permit would not be required for the interior renovations.

**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 is covered by the application fees charged for rezoning applications.

**LEGISLATIVE IMPACTS, PRECEDENTS, POLICIES:**

The Local Government Act outline 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. 1987**

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

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**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 7850-2<sup>nd</sup> Street.

**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 7850-2<sup>nd</sup> Street, legally described as Lot 1, District Lot 585, S.D.Y.D., Plan 27903 from the R-4 (Rural Residential) zone to the R-3 (Multi-Family 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. 1987, 2013**".

Read a **FIRST** time this 19<sup>th</sup> day of August, 2013.

Read a **SECOND** time this 19<sup>th</sup> day of August, 2013.

**PUBLIC HEARING NOTICE ADVERTISED**, pursuant to the Local Government Act this 21<sup>st</sup> day of August and also this 28<sup>th</sup> day of August, 2013.

**PUBLIC HEARING HELD** this 9<sup>th</sup> day of September, 2013.

Read a **THIRD** time this 30<sup>th</sup> day of September, 2013.

**APPROVED** by the Ministry of Transportation on this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

**FINALLY ADOPTED** this 15<sup>th</sup> day of October, 2013.

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

\_\_\_\_\_  
Diane Heinrich – Corporate Officer

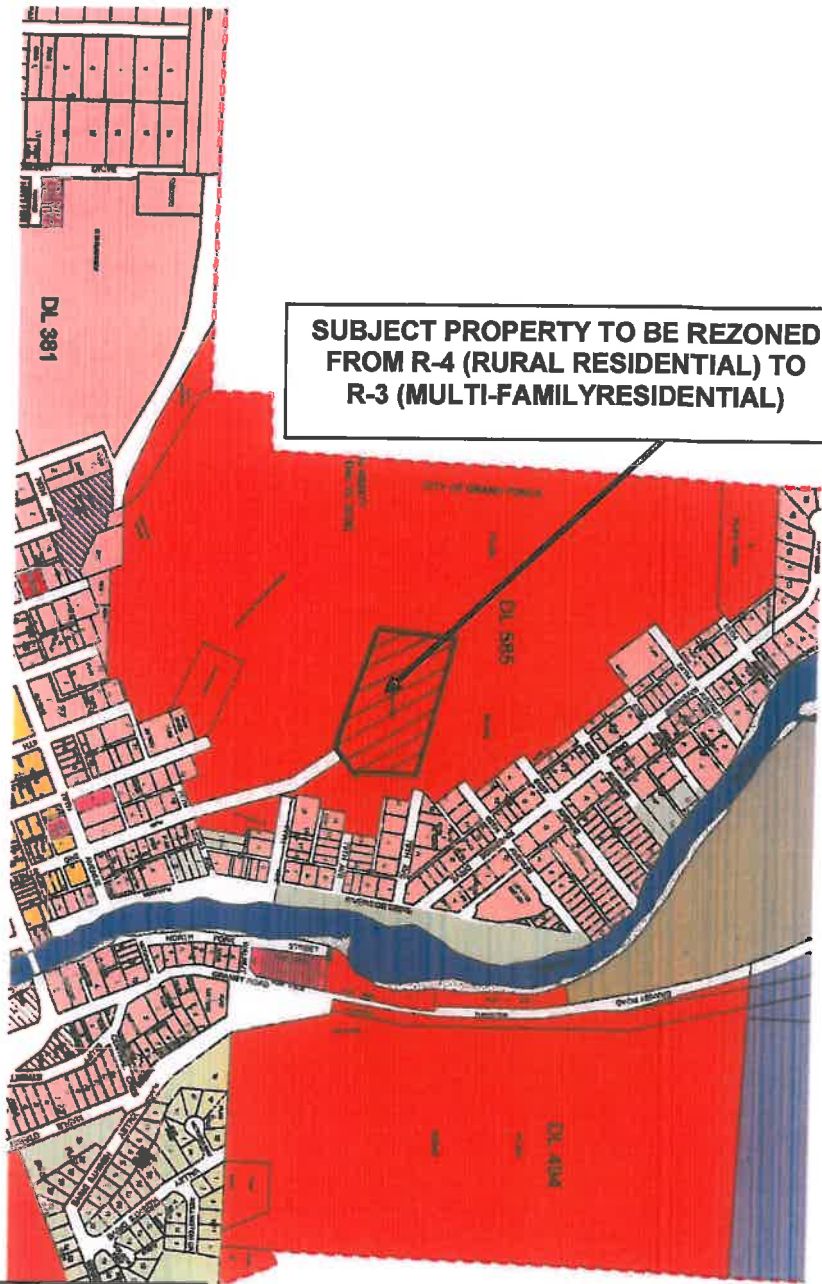
**CERTIFICATE**

I hereby certify the foregoing to be a true copy of Bylaw No. 1987 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-4 (RURAL RESIDENTIAL) TO  
R-3 (MULTI-FAMILY RESIDENTIAL)**

**This is Schedule "X" referred to in  
Section 1 of the City of Grand  
Forks Zoning Amendment Bylaw  
No. 1987, 2013.**

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**Date of Adoption**

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**Corporate Officer**

# SUBJECT PROPERTY



Image © 2013 DigitalGlobe

Imagery Date: 5/11/2010

49°02'20.56" N 118°26'18.95" W elev: 1703 ft eye alt: 3276 ft

Google earth

N

## SECTION 36

## R-3 (Multi-Family Residential) Zone

### **Permitted Uses**

1. The following uses and no others are permitted in an R-3 zone:

- (a) dwelling units;
- (b) religious centres;
- (c) home occupations.

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

- (d) any accessory building or structures for the above uses.

### **Regulations**

2. On a parcel of land located in an R-3 zone:

#### Minimum Parcel Size for Subdivision purposes

- (a) The minimum parcel size is 1,000 square metres (10,800 sq. ft.) and every parcel must be connected to a community sewage and water system.

#### Number and type of Dwelling Units allowed

- (b) One of the following types of dwelling units are allowed on a parcel of land in an R-3 zone:
  - (i) multi-family dwellings or;
  - (ii) apartment units.

#### Height

- (c) No dwelling shall exceed 15 metres (50 ft) in height.

#### Setbacks

- (d) 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.



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

**NOTICE OF PUBLIC HEARING**

**WHEREAS** the Local Government Act requires that a **PUBLIC HEARING** be held prior to the adoption of a Zoning Amendment Bylaw;

**TAKE NOTICE THAT** a Public Hearing with respect to City of Grand Forks Bylaw Number 1987, cited as "Amendment to the City of Grand Forks Zoning Bylaw No. 1987, 2013", will be held on:

**Monday, September 9, 2013  
at 6:00 p.m.  
In the Council Chambers at City Hall  
7217 – 4<sup>th</sup> Street  
Grand Forks, B.C.**

Bylaw Number 1987 is intended to amend the "City of Grand Forks Zoning Bylaw 1606, 1999, by rezoning property, legally described as 7850-2<sup>nd</sup> Street, legally described as Lot 1, District Lot 585, S.D.Y.D., Plan 27903 from the R-4 (Rural Residential) zone to the R-3 (Multi-Family Residential) zone.

(Insert Map)

**APPLICANT: City of Grand Forks  
PROPERTY LOCATION: 7850-2<sup>nd</sup> Street**

The proposed bylaw may be inspected between the hours of 9:00 a.m. and 4:00 p.m., Tuesday through Friday, (excluding holidays), until September 3, 2013 with the Planning Tech at City Hall, located at 7217-4<sup>th</sup> Street, Grand Forks, B.C.

Dated this 20th day of August, 2013.

Diane Heinrich  
Corporate Officer