

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

Monday July 20th, 2015 – 6:00 PM
7217 4th Street, City Hall

	<u>ITEM</u>	<u>SUBJECT MATTER</u>	<u>RECOMMENDATION</u>
1.	<u>PRESENTATIONS</u>		
2.	<u>CALL TO ORDER</u>		
3.	<u>ADOPTION OF AGENDA</u>		
4.	<u>MINUTES</u>		
5.	<u>REGISTERED PETITIONS AND DELEGATIONS</u>		
6.	<u>UNFINISHED BUSINESS</u>		
7.	<u>REPORT FROM COUNCIL'S REPRESENTATIVE TO THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY</u>		
8.	<u>RECOMMENDATIONS FROM STAFF FOR DECISIONS</u>		
	a) Manager of Development & Engineering RFD - PH Wagner Rezoning July 20, 2015.pdf	To amend the current Zoning Bylaw by rezoning the property legally described as Lot D, District Lot 534, SDYD, Plan KAP 9707 from the current R-1 (Single & Two Family Residential) Zone, to the R-4 (Rural Residential) Zone.	THAT Council hold the public hearing as advertised, allowing any person present who believes that his or her intent 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 requirements, within the parameters set out in the existing zoning bylaw.
9.	<u>REQUESTS ARISING FROM CORRESPONDENCE</u>		
10.	<u>INFORMATION ITEMS</u>		

11. **BYLAWS**
12. **LATE ITEMS**
13. **QUESTIONS FROM THE PUBLIC AND THE MEDIA**
14. **ADJOURNMENT**

REQUEST FOR DECISION

— PUBLIC HEARING —



To: Mayor and Council

From: Applicants, Ken and Karen Wagner
Manager of Development & Engineering

Date: July 20th, 2015

Subject: To amend the current Zoning Bylaw by rezoning the property legally described as Lot D, District Lot 534, S.D.Y.D., Plan KAP 9707 from the current R-1 (Single & Two Family Residential) Zone, to the R-4 (Rural Residential) Zone.

Recommendation: **RESOLVED THAT COUNCIL HOLD THE PUBLIC HEARING AS ADVERTISED, ALLOWING ANY PERSON PRESENT WHO BELIEVES THAT HIS OR HER INTENT 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 THE BASE A DECISION ON THE FACTS RELEVANT TO THE REZONING REQUEST, WITHIN THE PARAMETERS SET OUT IN THE SUSTAINABLE COMMUNITY PLAN AND THE EXISTING ZONING BYLAW.**

BACKGROUND: The City is in receipt of an application to rezone property located at 832 – 64th Avenue, legally described as Lot D, District Lot 534, S.D.Y.D., Plan KAP 9707, from R-1 (Single and Two-Family Residential) to R-4 (Rural Residential). The land use designation for this property in the Sustainable Community Plan (SCP) is LR (Low Density Residential).

The property is 1.0 acres (0.405 hectares) in size and the rear lot line abuts a neighbouring property zoned R-4. The parcel to the west is 1 acre (0.405 hectares) and is currently a hay field. The parcel to the east is 2 acres (0.809 hectares) and is currently a field as the residence was destroyed by fire. Both of these properties are zoned R-1.

The applicant lives in a residence on the property and would like to use the property to have a market garden, greenhouse, orchard, hay field and raise some chickens. These uses are consistent with the SCP goals of increasing the production and consumption of local food and promoting the '100 mile Diet'.

At the April 7th, 2015 Committee of the Whole Meeting, the Committee of the Whole recommended that Council direct staff to draft the appropriate amendment bylaw(s) and proceed with the notification to surrounding property owners, publish notice in two consecutive issues of the Gazette and hold a public hearing in accordance with the Local Government Act.

At the April 20th, 2015 Regular Meeting of Council, Council resolved to give first and second readings to the "City of Grand Forks Zoning Bylaw Amendment No. 1606-A3, 2015" and proceed with the statutory requirements for amending bylaws in the Local Government Act.

REQUEST FOR DECISION

— PUBLIC HEARING —



The public hearing notice detailing the intention of the proposed bylaw was published in the April 22nd and April 29th, 2015 editions of the Grand Forks Gazette. Copies of the draft bylaw were made available for inspection at the front desk of City Hall.

The Public Hearing was held at 6:00 p.m. on May 4th, 2015 in Council Chambers. Two residents attended the meeting to express their views and one adjacent property owner sent an email regarding the rezoning application.

At the May 4, 2015 Regular Meeting, Council resolved that the rezoning application regarding the property known as 832 – 64th Avenue, be referred to the May 25th, 2015 Regular Meeting for decision.

At the May 25, 2015 Regular Meeting, Council resolved that the rezoning application regarding the property known as 832 – 64th Avenue, be referred to the June 15th, 2015 Regular Meeting for decision.

At the June 15, 2015 Regular Meeting, Council resolved to hold a second Public Hearing on July 20, 2015 at 6:00pm.

Benefits or Impacts of the Recommendation:

General:	The request is consistent with the vision of the SCP and would allow the applicant the opportunity to use the property to its fullest potential.
Strategic Impact:	N/A
Financial:	The City's cost of rezoning, including advertising is covered by the application fees charged for rezoning applications.
Policy/Legislation:	The Local Government Act outlines the requirements for the holding of public hearings.
Attachments:	1) Draft Bylaw 1606-A3; 2) Notice of Public Hearing Advertisement & Map

Recommendation:	RESOLVED THAT COUNCIL HOLD THE PUBLIC HEARING AS ADVERTISED, ALLOWING ANY PERSON PRESENT WHO BELIEVES THAT HIS OR HER INTENT 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 THE BASE A DECISION ON THE FACTS RELEVANT TO THE REZONING REQUEST, WITHIN THE PARAMETERS SET OUT IN THE
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REQUEST FOR DECISION

— PUBLIC HEARING —



SUSTAINABLE COMMUNITY PLAN AND THE EXISTING ZONING BYLAW.

- OPTIONS:**
- 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 submissions.
 - 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.
 - 3. COUNCIL REFERS BACK TO STAFF FOR FURTHER INFORMATION.**

	
Department Head or CAO	Chief Administrative Officer

THE CORPORATION OF THE CITY OF GRAND FORKS

BYLAW NO. 1606-A3

**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 at 832 – 64th 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 832 – 64th Avenue, legally described as Lot D, District Lot 534, S.D.Y.D., Plan KAP 9707 from the current R-1 (Single & Two Family Residential) zone, to the R-4 (Rural Residential) zone, as shown outlined in bold on the attached map identified as Schedule "A".
2. That this Bylaw may be cited as the "**City of Grand Forks Zoning Bylaw Amendment No. 1606-A3, 2015**".

READ A FIRST TIME this 20th day of April, 2015.

READ A SECOND TIME this 20th day of April, 2015.

PUBLIC HEARING NOTICE ADVERTISED, pursuant to the Local Government Act this 22nd day of April, 2015 and also this 29th day of April, 2015.

PUBLIC HEARING HELD this 4th day of May, 2015.

PUBLIC HEARING NOTICE ADVERTISED, pursuant to the Local Government Act this 8th day of July, 2015 and also this 15th day of July, 2015.

PUBLIC HEARING HELD this 20th day of July, 2015.

READ A THIRD TIME this 20th day of July, 2015.

FINALLY ADOPTED this 20th day of July, 2015.

Frank Konrad - Mayor

Diane Heinrich – Corporate Officer

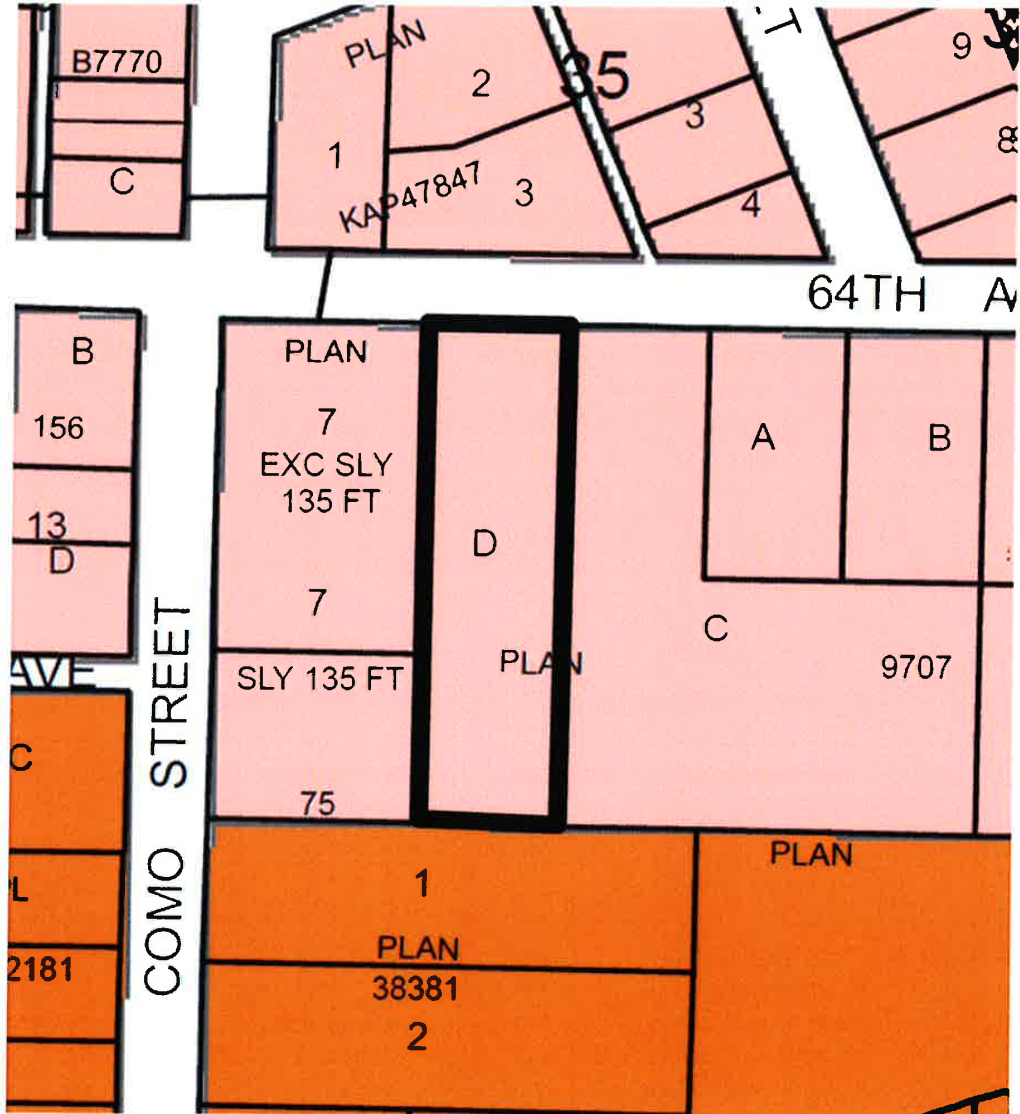
CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 1606-A3, 2015 as passed by the Municipal Council of the City of Grand Forks on the 20th day of July, 2015.

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

**CITY OF GRAND FORKS
ZONING MAP**

SCHEDULE "A"



This is Schedule "A" referred to in Section 1 of the City of Grand Forks Zoning Bylaw Amendment No. 1606-A3, 2015.

July 20, 2015

Date of Adoption

Corporate Officer

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 No. 1606-A3, cited as the "City of Grand Forks Zoning Bylaw Amendment No. 1606-A3, 2015", will be held on:

Monday, July 20th, 2015
At 6:00 p.m.
In Council Chambers
7217 – 4th Street
Grand Forks, B.C.

Bylaw Number 1606-A3 is intended to amend the "City of Grand Forks Zoning Bylaw 1606, 1999," by rezoning property, legally described as Lot D, District Lot 534, S.D.Y.D., Plan KAP 9707, from the current R-1 (Single & Two Family Residential) zone, to the R-4 (Rural Residential) zone, as shown outlined in bold on the attached map.

(Insert Map)

APPLICANT(S): Ken & Karen Wagner
PROPERTY LOCATION: 832 – 64th Avenue

The proposed bylaw may be inspected between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, (excluding holidays), until July 17th, 2015 at City Hall, 7217 – 4th Street, Grand Forks, B.C.

Dated this 2nd day of July, 2015.

Sasha Bird, AScT
Manager of Development & Engineering