



The Corporation of the City of Grand Forks

Public Hearing

AGENDA

Meeting #: PH-2019-6
Date: Tuesday, September 3, 2019, 6:00 pm
Location: 7217 - 4th Street, City Hall Council Chambers

Pages

1. Call to Order

The Chair will call the Hearing to Order:

(a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend the City of Grand Forks - Official Community Plan Bylaw No. 1919 and/or Zoning Bylaw No. 2039.

(b) All persons who believe that their interest in property within the boundaries of the City is affected by the proposed bylaw(s) shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaw(s) that are the subject of this Hearing. No one will be or should feel discouraged or prevented from making their views known. This Hearing is open to the public and all representations to Council form part of the public record. A live video and audio feed may be broadcast and recorded by GFTV.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after August 21, 2019 (date of notification), are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Members of Council may ask questions, if they so wish; however, the main function of Council members is to listen to the views of the public. It is not the function of Council to debate the merits of the proposed bylaw with individual citizens or with each other at this Hearing.

(e) Council debate on the proposed bylaw(s) is scheduled to take place during the next Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached at that meeting.

(f) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Hearing.

(g) During a Public Hearing, people sometimes become enthusiastic or emotional. Regardless of whether you favour or oppose any application or argument, please refrain from applause or other expressions of emotion. Restraint enables others whose views may or may not coincide with your own to exercise their right to express their views and have them heard in as impartial a forum as possible.

2. Notification of Meeting

The Corporate Officer will affirm that Notice of Public Hearing was given in compliance with Section 466 of the *Local Government Act*.

3. Individual Bylaw Submissions

- a. Bylaw 2039-A8 Proposed Rezoning of the approximately 0.3399 Hectare (0.84 acre) parcel from Highway Commercial (HC) to Tourist Commercial (TC)
Development, Engineering & Planning

3 - 15

4. Adjournment

5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Planning Department);
- (b) The Chair will request that the Corporate Officer indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - i. The microphone at the delegates table has been provided for any person(s) wishing to make representation at the Hearing.
 - ii. The Chair will recognize ONLY speakers at the delegation table.
 - iii. Those who wish to speak concerning the proposed bylaw should, at the appropriate time, commence your address to the Council and the meeting by clearly stating your name and address.
 - iv. Speakers are encouraged to limit their remarks to 5 minutes; however, if they have additional information, they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the next Regular Meeting, unless for clarification.
- (g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. Please ask staff for assistance prior to the Hearing if required.

Request for Decision



To: City Council
From: **Development, Engineering & Planning**
Date: September 3, 2019
Subject: BACKGROUND INFORMATION for Public Hearing on September 3, 2019 (6 pm) – Bylaw No. 2039-A8 Proposed Rezoning of the approximately 0.3399 Hectare (0.84 acre) parcel from Highway Commercial (HC) to Tourist Commercial (TC).

Background

On August 12th, 2019 Council gave first and second readings to Bylaw No. 2039-A8 (See appendix “A” attached). Appendix “A” also provides background information for this rezoning application.

As per subsection 464(2) of the Local Government Act council may waive the holding of a public hearing because there is an Official Community Plan (OCP) that covers the area and the proposed rezoning bylaw is consistent with the OCP. As per the statutory requirement for public hearings, notice of this public hearing was advertised in the August 21st and August 28th issues of the Grand Forks Gazette (See Appendix “B” attached). A draft copy of Bylaw 2039-A8 is attached as Appendix “C.” On August 22nd, 2019 a notification letter was hand delivered to two (2) property owners/tenants within 30 meters of the property boundaries (See Appendix “D” Attached).

Submissions Received

Submissions received thus far in relation to this rezoning application include:

1. The Regional District of Kootenay Boundary advised that they have no concerns on the rezoning.
2. Interior Health has made enquiries and were provided with additional information but have expressed no concerns to date.
3. No other referral agencies have responded to date.
4. A person identifying himself as an adjacent property owner expressed some concern that noise emanating from the permitted uses in the Tourist Commercial zoning would be more than that from the existing Highway Commercial zone.

Next Steps

The next steps are as follows:

1. Council will hear comments and receive written submissions at the public hearing.
2. Council will then consider the rezoning bylaw amendment for third (3rd) reading at the regular meeting on September 3rd, 2019.
3. If passed, the bylaw will be sent to the Ministry of Transportation and Infrastructure for approval (Section 52 of the Transportation Act requirements – development within 800 metres of a controlled access highway).

4. Council would then consider the bylaw for 4th (final) reading on September 16th, 2019, assuming all other conditions for the rezoning have been met.

Summary

The statutory notification requirements for the public hearing respecting Bylaw No. 2039-A8 have been fulfilled. The comments received thus far on the proposed rezoning have been summarized above. Council will consider the bylaw for 3rd reading, at its regular meeting on September 3rd, 2019 after duly considering the views and written submissions received at the public hearing.

Attachments

Appendix "A" – Background Information – for the proposed Rezoning.

Appendix "B" – Copy of the Grand Forks Gazette ads.

Appendix "C" – DRAFT copy of Bylaw 2039-A8.

Appendix "D" – Notice to Property Owners.

Report Approval Details

Document Title:	2019-09-03-Bylaw-2039-A8-ZA1908-PubHearing.docx
Attachments:	<ul style="list-style-type: none">- 20190903-ZA1908-AppendixA Rezone 7351 Hwy 3 FirstSecond - COPY FROM COUNCIL AGENDA.pdf- 20190903-ZA1908-AppendixB Gazette Ad Rezoning 7351 Hwy 3.pdf- 20190903-ZA1908-AppendixC DRAFT_Bylaw_2039-A8_Rezoning.pdf- 20190903-ZA1908-AppendixD 7351 Hwy3 Notice 30m Property Owners.pdf
Final Approval Date:	Aug 23, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Aug 23, 2019 - 10:27 AM

No Signature - Task assigned to Diane Heinrich was completed by assistant Daniel Drexler

Diane Heinrich - Aug 23, 2019 - 12:12 PM

Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: August 12, 2019

Subject: Proposed Rezoning of the approximately 0.3399 Hectare (0.84 acre) parcel from Highway Commercial to Tourist Commercial.

Recommendation: **THAT Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8 at the August 12, 2019 Regular Council Meeting.**

THAT Council waive the \$1,000.00 rezoning application fee.

THAT Council direct staff to move forward with the legislative requirements for the rezoning.

Background

At the August 12th, 2019 meeting, the Committee of the Whole recommended that Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8.

The City received an application from the property owner of 7351 Highway Drive to rezone the 0.3399 Hectare (0.84 acre) from Highway Commercial (HC) to Tourist Commercial (TC).

The subject property is legally described as Lot 1, Plan KAP89, District Lot 493, Similkameen Division of Yale Land District. The property is approximately 0.3399 Hectare (0.84 acre) in size. The property is adjacent to the Yale bridge on Highway 3 and backs onto the Granby River. The parcel report for the property is attached as Appendix A. The general location of the property is attached as Appendix B.

Staff have been working toward implementing the policies set out in the Official Community Plan (OCP). Schedule B of the OCP shows the future development of property as Highway & Tourist Commercial. The property is subject to two (2) Development Permit Area (DPA) criteria, namely Commercial (DPA) and Environmentally Sensitive Area DPA.

At the time of the application the property owner, Bayroot Enterprises Ltd. (Operating as Riverside Motel), reported that the motel operations on the property are still curtailed due to the impacts of the 2018 flooding. The rezoning would permit the use of the property or portions of the property as campgrounds.

At least 5 buildings and structures are currently located in the 30m floodplain setback. No site-specific exemptions have been found for the buildings and structures that are in the floodplain on the property.

The City's floodplain bylaw is being updated to meet current and future conditions using best practices and incorporating observations from the 2018 flooding.

Considering the foregoing there is support for the City to waive the rezoning application fee because in the absence of the property owner coming forward, as part of implementing the OCP policies and Floodplain Bylaw regulations, the City would initiate the rezoning.

Table 1 provides clarity to the text amendment proposed for subsection 49.2 of the zoning bylaw.

Table 1: Summary of Proposed Zoning Bylaw Amendments		
SECTION REFERENCE	AMENDMENT	INTENT
49.2 (a) Tourist Commercial Zone	To <u>delete</u> "inn" and <u>add</u> "motel" as a use in the zone.	Removes some ambiguity in the zoning bylaw. Inn is not defined in the zoning bylaw while hotel and motel are defined in the zoning bylaw. In many respects an inn may be viewed and/or defined as a small hotel therefore the removal of this term clarifies the intent of the bylaw.

As shown in Table 2, the uses permitted in the TC zone are more restrictive than the HC zone; therefore, the rezoning is potentially reducing the risks associated with the flooding on the property. The rezoning is generally consistent with the Official Community Plan (OCP), the City's Strategic Plan and the City's Floodplain Bylaw insofar as the repurposing of those portions of the property that are within the floodplain setbacks.

Table 2: Permitted uses in the HC and TC zones	
EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone	PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)
The following uses and no others are permitted in a HC zone: (a) Hotels and motels; (b) Restaurants;	The following uses and no others are permitted in the TC zone: (a) Hotels or motels; (b) Recreational businesses and campgrounds;

Table 2: Permitted uses in the HC and TC zones	
EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone	PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)
(c) Automobile sales and parts supply, service stations; (d) Convenience stores including gas bars; (e) Car wash establishments; (f) Retail sales establishments; (g) Personal service establishments (h) Liquor licensed premises (i) Animal hospitals; (j) Building supply establishments (k) Offices; (l) Tool and equipment rental establishments.	(c) Tourist facilities and related amenities; (d) Retail establishments; (e) Restaurants; (f) Convenience stores including gas bars

The draft zoning bylaw amendment bylaw is shown attached as Appendix C.

Proposed Timing

If the rezoning application receives support from Council to move forward, the next steps and estimated time frame are as outlined below:

ACTIVITY	TIMING
Committee of the Whole recommends that the application / bylaw move forward to the regular meeting for 1st and 2nd readings.	August 12, 2019
The rezoning bylaw goes before council for 1st and 2nd readings.	August 12, 2019
Bylaw and Public Hearing advertised twice and residents within 30m notified in writing of the application.	August 21 st & August 28 th , 2019
Public Hearing held by City Council.	September 3 rd , 2019
Third reading of the rezoning bylaw	September 3 rd , 2019
Works and Services Agreement finalized; Ministry of Transportation and Infrastructure Approval	August, 2019
Fourth (final) reading of the bylaw	September 16 th , 2019

Benefits or Impacts

General

The rezoning of the property is in-line with the City's Strategic Plan economic growth principles of supporting the health, growth and retention of existing businesses. The property owner's stated goal of developing campgrounds on the property through this rezoning is an innovative alternative use of the property that if done correctly combines flood resilience while fostering economic growth since campground users would likely use other City amenities and visit neighbouring businesses such as grocery stores, restaurants and pubs.

Strategic Impact



Community Engagement

- The public will be advised and invited to comment on the rezoning application in writing and through advertising in the local newspaper, the Grand Forks Gazette.
- Council will have an opportunity to hear any comments or concerns regarding the proposed rezoning.
- The public participated in the public process for the adoption of the OCP.



Economic Growth

- Provides options for redevelopment of an existing business that is still closed due to flood damage.

Policy/Legislation

The Official Community Plan, Zoning Bylaw, Local Government Act, Planning and Process and Fee Bylaw, City of Grand Forks Strategic Plan 2015-2019.

Attachments

Appendix A Parcel Report (1 page).

Appendix B Location Current Zoning (3 pages).

Appendix C Draft Zoning Bylaw Amendment No. 2039-A8 (2 pages).

Recommendation

THAT Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8 at the August 12, 2019 Regular Council Meeting.

THAT Council waive the \$1,000.00 rezoning application fee.

THAT Council direct staff to move forward with the legislative requirements for the rezoning.

Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

Report Approval Details

Document Title:	2019-08-12-ZA1908 Rezone 7351 Hwy 3 FirstSecond.docx
Attachments:	- 2019-08-12-ZA1908-Appendix A Parcel Report.pdf - 2019-08-12-ZA1908-Appendix B Location Current Zoning.pdf - 2019-08-12-ZA1908-Appendix C DRAFT_Bylaw_2039- A8_Rezoning.pdf
Final Approval Date:	Aug 6, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Aug 6, 2019 - 10:46 AM

Diane Heinrich - Aug 6, 2019 - 10:55 AM

Help Wanted

Help Wanted

H&R BLOCK**Front Desk / Tax Preparer**

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Legal Notices

Legal Notices

**THE CORPORATION OF THE CITY OF GRAND FORKS****NOTICE OF ZONING BYLAW AMENDMENT**

TAKE NOTICE THAT pursuant to the Local Government Act, the City of Grand Forks is considering Bylaw No. 2039-A8 to amend the Zoning Bylaw to rezone 7351 Highway 3, legally described as Lot 1, Plan KAP 89, DL 493, SDYD, from the current HC (Highway Commercial) zone to TC (Tourist Commercial) zone.

TAKE FURTHER NOTICE THAT Council for the City of Grand Forks will hear any public input with respect to the above-mentioned proposal at a Public Hearing scheduled for September 3rd, 2019 at 6:00pm upstairs in Council Chamber of City Hall located at 7217-4th Street, Grand Forks, B.C. Written comments will be accepted until 3:30 p.m. September 3rd, 2019.

PROPERTY LOCATION:
7351 Highway 3 (Riverside Motel)



A draft copy of Bylaw No. 2039-A8 may be inspected between the hours of 9:00 a.m. and 3:30 p.m., Monday through Friday (excluding holidays) until September 3rd, 2019 at City Hall, 7217 - 4th Street, Grand Forks, B.C.

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THE CORPORATION OF THE CITY OF GRAND FORKS

Bylaw No. 2039-A8

**A Bylaw to Amend the City of Grand Forks
Zoning Bylaw No. 2039, 2019.**

=====

The Corporation of the City of Grand Forks **ENACTS** as follows:

1. This bylaw may be cited for all purposes as **"Zoning Bylaw Amendment No. 2039-A8, 2019"**.
2. Zoning Bylaw No. 2039 is amended as follows:
 - a. That the property legally described as **"Lot 1, Plan KAP89, District Lot 493, Similkameen Division of Yale District"** and as shown attached hereto as Appendix "A" is hereby rezoned from HC (Highway commercial) to TC (Tourist Commercial).
 - b. Schedule "A," Land Use Zoning Map, is hereby amended accordingly.
 - c. **DELETE** subsection 49.2 (a) and replace with:
49.2 (a) hotels or motels.

Read a **FIRST** time this ____ day of _____, 2019.

Read a **SECOND** time this ____ day of _____, 2019.

Read a **THIRD** time this ____ day of _____, 2019.

Approved by the Ministry of Transportation
Pursuant to Section 52 of the Transportation
Act this ____ day of _____, 2019

Approving Officer, Ministry of Transportation

FINALLY ADOPTED this ____ day of _____, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

CERTIFICATE

I hereby certify the foregoing to be a true copy of Bylaw No. 2039-A8 as passed by the Council of the City of Grand Forks on the _____ day of _____, 2019.

Corporate Officer of the Corporation of the
City of Grand Forks

DRAFT



THE CORPORATION OF THE CITY OF GRAND FORKS

7217 – 4TH STREET, BOX 220 • GRAND FORKS, BC V0H 1H0 • FAX 250-442-8000
TELEPHONE 250-442-8266

August 22, 2019

Dear Property Owner or Tenant:

Zoning Amendment and Development Variance Permit Applications

Property Location: 7351 Highway 3

Legal Description: Lot 1, Plan KAP89, District Lot 493, Similkameen Division of Yale Land District

Applicant: Bayroot Enterprises Ltd. (Operating as Riverside Motel)

As you are the registered owner or occupier of property located near the property mentioned above, please be advised that Council for the Corporation of the City of Grand Forks will hear public input with respect to the above mentioned applications at a Public Hearing scheduled for Tuesday, September 3rd, 2019 at 6:00 p.m., upstairs in the Council Chambers of City Hall, located at 7217 - 4th Street, Grand Forks, B.C.

The proposed zoning amendment would rezone the property at 7351 Highway 3 from the current HC (Highway Commercial) zone to TC (Tourist Commercial) zone to accommodate the use of the property or portions of the property as a campground.

Any further information with respect to these applications may be obtained at City Hall, from Monday to Friday (excluding weekends and holidays) from 9:00 a.m. to 3:30 p.m. until September 3rd, 2019 or by calling 250-442-8266.

Yours truly,

Leford Lafayette
Development, Engineering and Planning

Attachment: Notice of Zoning Bylaw Amendment No. 2039-A8