

# Request for Decision



To: Committee of the Whole

From: **Development, Engineering and Planning**

Date: June 10, 2019

Subject: Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural uses on the 7600 Block of 8th Street (File: ZA1902)

Recommendation: **THAT Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the regular meeting of June 10, 2019; and FURTHER, direct staff to prepare and register a covenant on the subject property to ensure that: a) the wetland/drainage area is protected in perpetuity, b) development will be set back from and not impact the wetland/drainage area and groundwater, and c) farming operations will be conducted in accordance with best practices respecting agricultural activities on sensitive aquifers and near urban areas.**

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## Background

### Overview

The City has received a zoning bylaw amendment application to rezone 4.65 hectares (11.5 acres) from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural buildings and activities and to more accurately reflect the current land use. The applicant wishes to eventually build a barn/shop on the property (which is not allowed under the current R1 zoning).

The site is located at the most northerly extent of 8<sup>th</sup> Street and has been used as a cultivated hay field for many years. Detailed applicant and site information is provided in Appendix “A”. The proposed Zoning Bylaw Amendment No. 2039-A4 is in Appendix “B”.

### Environmental Considerations

#### Wetland/Drainage Area

Most of the site is classified in the Grand Forks Sensitive Ecosystem Inventory (“SEI”) as a “cultivated field, not sensitive”. However, a wetland area (drainage ditch and associated riparian area) traverses the property from north to south and is part of the City’s natural drainage infrastructure.

In keeping with the City's desire to protect and/or acquire the major components of our interconnected natural drainage and wetland areas, it is proposed that a conservation covenant under Section 219 of the Local Government Act be registered on the property to ensure that the wetland area is protected and formally incorporated into the City's protected area network.

### **Groundwater Protection**

The Grand Forks aquifer is considered to be one of the most important aquifers in British Columbia and is the primary source of drinking water for the region. Certain agricultural practices such as fertilizer and pesticide use have the potential to compromise the quality of the groundwater through run-off and seepage (i.e., as is evidenced by water tests in various wells in the City).

While the owners of this property have a record of sound farming practice, and intend to engage in environmentally friendly agricultural activities, it is prudent that groundwater protection measures be specified in a covenant so that future owners/operators are aware of the requirements.

### **Urban Interface**

This property is located adjacent to established residential areas and the high school. To minimize any land use conflicts between farming and residential, provisions for a minimal buffer area and limits on the keeping of farm animals will be addressed in the covenant.

### **Estimated Timing**

If approved to move forward, the rezoning application may proceed as follows:

<b>Date</b>	<b>Activity</b>
June 10 <sup>th</sup>	<i>Council considers the Zoning Bylaw Amendment for 1<sup>st</sup> &amp; 2<sup>nd</sup> reading.</i>
June 12 <sup>th</sup> & June 19 <sup>th</sup>	Notice of the Zoning Bylaw Amendment advertised in the Gazette. Property owners within 30m of site notified of public hearing.
June 24 <sup>th</sup>	Public Hearing (6pm in Council Chambers).
June 24 <sup>th</sup>	Council considers Zoning Bylaw Amendment for 3 <sup>rd</sup> reading (Regular Council meeting 7pm).
June 25 <sup>th</sup>	Zoning Bylaw Amendment forwarded to Ministry of Transportation and Infrastructure (MOTI) for approval/signature.
July 15 <sup>th</sup>	Zoning Bylaw Amendment receives 4 <sup>th</sup> and final readings.

### **Conclusion**

Given the environmental and servicing constraints on this site, it is unlikely that single family residential development will occur under the existing R1 zoning in the medium term.

A rezoning to R4 will legitimize the agricultural activities that have been present on the site for many years and will allow the new owners of the site to eventually construct agricultural building(s) to enhance the agricultural use of the site.

Prior to final reading of the zoning bylaw amendment, a conservation covenant will be finalized to protect the existing drainage course on the property, which will contribute to the City's goal of creating a protected area network of drainage/wetlands throughout the City. The covenant will also address groundwater protection and pesticide/fertilizer use and spraying near the urban interface.

In view of the above, it is appropriate that the rezoning bylaw move forward to public hearing.

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## Benefits or Impacts

### Strategic Impact



#### Community Engagement

- The rezoning proposal and public hearing will be advertised twice in the local paper and land owners within 30 metres of the proposal will be notified.



#### Community Livability

- Retaining this site as agricultural will serve as a “green” buffer area between the urban areas to the south and Observation Mountain (and associated trail network).



#### Economic Growth

- The rezoning will take away the potential for subdivision into regular single family lots in the future (about 3 acres would be considered to be developable).



#### Fiscal Responsibility

- n/a

### Policy/Legislation

The Local Government Act, the Official Community Plan, the Zoning Bylaw and the BC Code of Practice for Agricultural Environmental Management.

### Attachments

Appendix A: Applicant and Site Information.

Appendix B: Draft Bylaw No. 2039-A4 (Zoning Bylaw Amendment – Rezoning).

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## Recommendation

**THAT Council give first and second reading to Zoning Bylaw Amendment No. 2039-A4 at the regular meeting of June 10, 2019; and FURTHER, direct staff to**

**prepare and register a covenant on the subject property to ensure that: a) the wetland/drainage area is protected in perpetuity, b) development will be set back from and not impact the wetland/drainage area and groundwater, and c) farming operations will be conducted in accordance with best practices respecting agricultural activities on sensitive aquifers and near urban areas.**

### **Options**

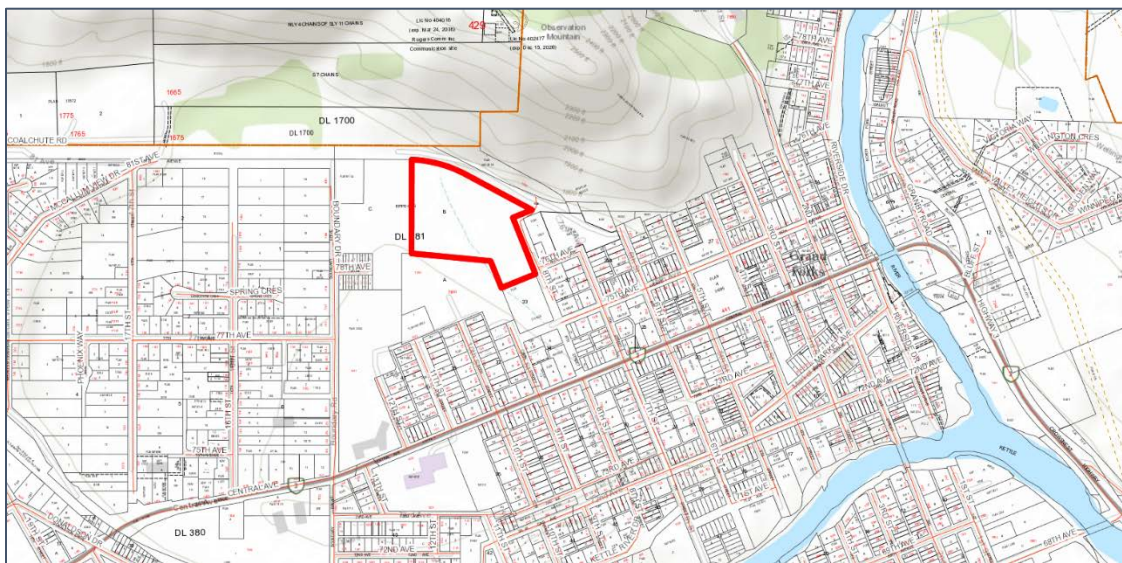
1. THAT Committee of the Whole accepts the report.
  2. THAT Committee of the Whole does not accept the report.
  3. THAT Committee of the Whole refers the matter back to staff for further information.
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**Appendix A: Applicant and Site Information**  
**Zoning Bylaw Amendment Application No. ZA1902**  
**Proposed Rezoning from R1 (Residential – Single & Two Family) to R4 (Rural Residential)**

**Civic Address:** 7600 Block of 8<sup>th</sup> Street.

**Legal Description:** Lot B, Plan EPP24245, District Lot 381, Land District 54; PID: 028-956-036.

**Applicant/Owner:** John and Norma Wheeler, PO Box 2042, Grand Forks, BC V0H 1H0.



**Proposal:** To rezone the subject property (4.65 hectares or 11.5 acres) from R1 (Residential – Single & Two Family) to R4 (Rural Residential) to accommodate agricultural activities and to more accurately reflect the current land use. The applicant wishes to eventually build a barn/shop on the property (which is not allowed under the current R1 zoning).

**Existing Land Use:** Wetland, cultivated field. A drainage area/wetland traverses the property.

**Adjacent Land Uses:** North – old rail bed, natural area, City-owned public works building and Observation Mountain zoned R4; South – house/outbuildings/small farm zoned R1; East – residential zoned R1 and R3A (Clifton Estates); West – vacant wetlands/hay fields/natural areas zoned R1.

**Access:** Directly off of 8<sup>th</sup> Street (note: this access road is also used by Public Works to get to a storage building and snow storage immediately north east of this site).



**Current Zoning:** R1 (Residential – Single and Two-Family) Zone.

**Proposed Zoning:** R4 (Rural Residential) Zone.

**OCP Land Use Designation:** Environmental Resource Area (ER).

**Development Permit Area:** Most of the lot is within the Environmentally Sensitive Development Permit Area ("DPA") and a portion of the site may also be in the flood plain. However, as no development is proposed at this time, a development permit is not required.

**Other Policies:** Although the site is located in the Environmentally Sensitive "DPA", most of it is classified in the Sensitive Ecosystem Inventory ("SEI") as a "cultivated field, not sensitive". A wetland area (drainage ditch and associated riparian area) traverses the property from north to south and is part of the City's natural drainage infrastructure.

**Servicing:** There are no water or sewer services and no development is proposed at this time.



**Appendix “B”: Draft Bylaw No. 2039-A4**

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

**Bylaw No. 2039-A4**

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

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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-A4, 2019**”.
2. Zoning Bylaw No. 2039 is amended as follows:
  - a. The property described as “Lot B, Plan EPP24245, District Lot 381, Land District 54; PID: 028-956-036” and as shown attached hereto as Appendix “A” is hereby R4 (Rural Residential).
  - b. Schedule “A,” Land Use Zoning Map, is hereby amended accordingly.

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

**C E R T I F I C A T E**

I hereby certify the foregoing to be a true copy of Bylaw No. 2039-A4 as passed by the  
Council of the City of Grand Forks on the      day of      , 2019.

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Corporate Officer of the Corporation of the  
City of Grand Forks



