

Request for Decision



To: Regular Meeting

From: **Development, Engineering and Planning**

Date: June 24, 2019

Subject: Third Reading - Rezoning from R1 Residential (Single and Two Family) to R4 Rural Residential to accommodate agricultural uses on the 7600 Block of 8th Street (File: ZA1902)

Recommendation: **THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A4.**

Background

Overview

At the Regular Council meeting of June 10, 2019, Council gave first and second reading to rezoning Bylaw No. 2039-A4 (see pages 3 – 4 attached). On June 24, 2019 (1:00pm) a public hearing will be held to hear any comments or concerns from the public. Notice of the public hearing was advertised in the Grand Forks Gazette on June 12th and 19th, 2019 and notices were sent to eight neighbouring property owners within 30 metres of the site.

To date, no comments have been received as a result of the notifications. After due consideration of any comments received at the public hearing, it is in order for Council to give third reading to the bylaw.

Full details of the proposal, planning rationale and related information are attached (see pages 5 - 8). It is noted that a covenant will be registered on the property to address groundwater protection and the urban interface. This covenant will be finalized prior to final reading of the bylaw amendment.

Timing

If given 3rd reading, the rezoning application/bylaw may proceed as follows:

Date	Activity
June 10 th	Council considered the Zoning Bylaw Amendment for 1 st & 2 nd reading.
June 12 th & June 19 th	Notice of the Zoning Bylaw Amendment advertised in the Gazette. Property owners within 30m of site notified of public hearing.
June 24 th	Public Hearing (6pm in Council Chambers).
June 24 th	Council considers Zoning Bylaw Amendment for 3 rd reading (Regular Council meeting 7pm).

Date	Activity
June 25 th	Zoning Bylaw Amendment forwarded to Ministry of Transportation and Infrastructure (MOTI) for approval/signature.
July 15 th	Zoning Bylaw Amendment receives 4 th and final reading.

Conclusion

After consideration of any comments received as a result of the public notification and public hearing, it is in order to give third reading to the zoning bylaw amendment.

Benefits or Impacts

Strategic Impact



Community Engagement

- The rezoning proposal and public hearing was advertised twice in the local paper and landowners within 30 metres of the proposal will be notified. The community has the opportunity to make their views known to Council at the public hearing.



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). A covenant will ensure that groundwater and the wetland is protected and will mitigate any potential impacts of farming activities on the adjacent urban area.



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).

Policy/Legislation

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

Attachments

Pages 3 - 4: Bylaw No. 2039-A4

Pages 5 - 8: Background and Proposal Information

Recommendation

THAT Council give third reading to Zoning Bylaw Amendment No. 2039-A4.

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.

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” to Zoning Bylaw No. 2039, Land Use Zoning Map, is hereby amended accordingly.

Read a **FIRST** time this 10th day of June, 2019.

Read a **SECOND** time this 10th day of June, 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

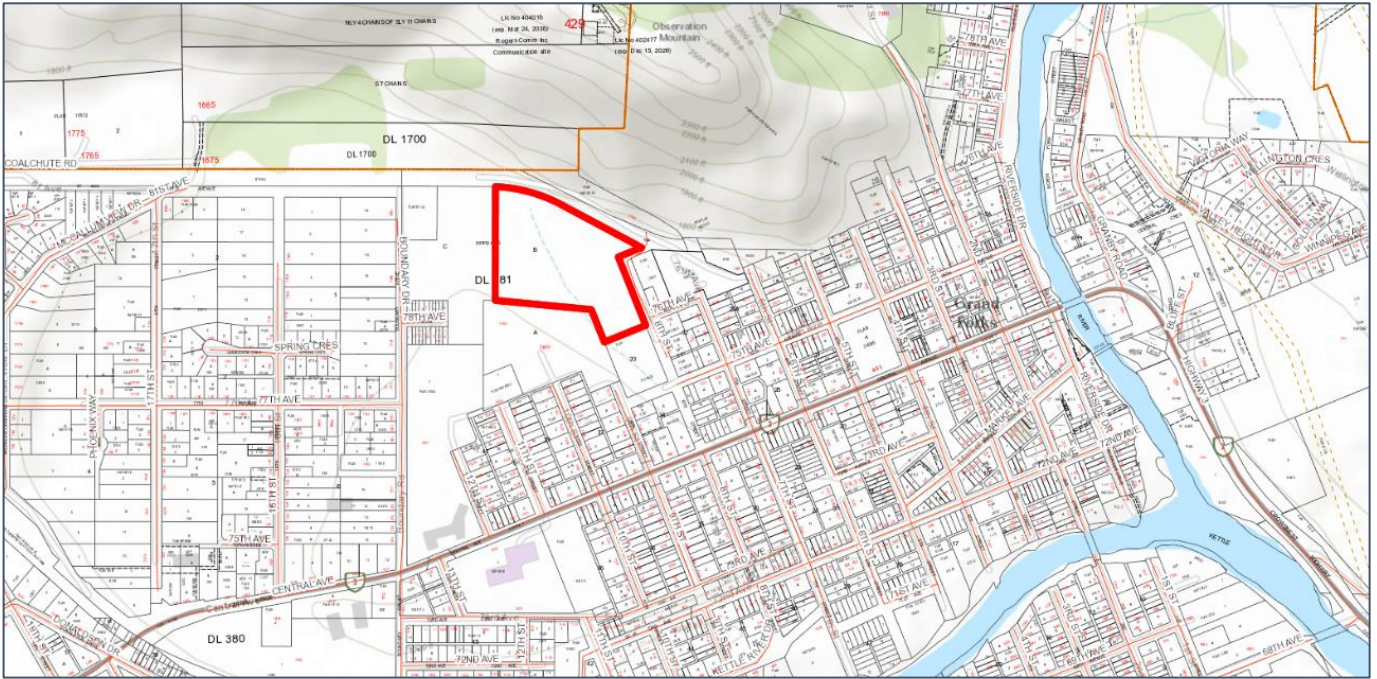
Approving Officer, Ministry of Transportation

FINALLY ADOPTED this ____ day of _____, 2019.

Mayor Brian Taylor

Corporate Officer Daniel Drexler

Appendix “A” to Bylaw No. 2039-A4



Background and Proposal Information

Overview

The City 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 8th Street and has been used as a cultivated hay field for many years. See detailed applicant and site information below.

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.

Planning Rationale

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.

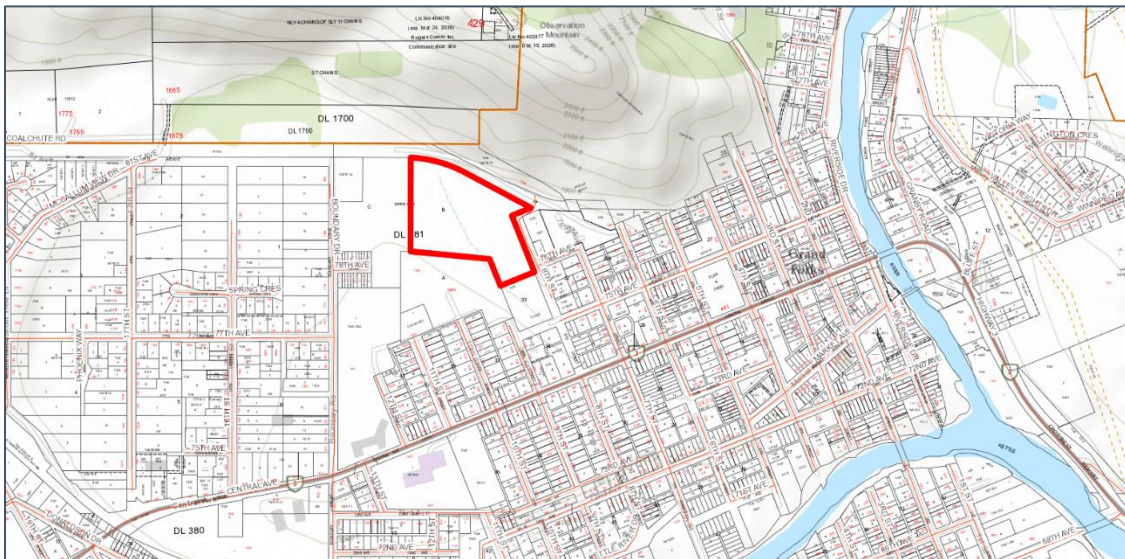
Prior to final reading of the zoning bylaw amendment, a conservation covenant will be finalized to protect the existing drainage course on the property, which will contribute to the City's goal of creating a protected area network of drainage/wetlands throughout the City. The covenant will also address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

Applicant and Site Information

Civic Address: 7600 Block of 8th 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 – established trails and 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 8th 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.



Report Approval Details

Document Title:	2019-06-24 Bylaw 2039-A4-ZA1902 3rd Reading Wheeler.docx
Attachments:	
Final Approval Date:	Jun 17, 2019

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

Dolores Sheets - Jun 14, 2019 - 4:44 PM

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

Diane Heinrich - Jun 17, 2019 - 6:59 PM