



**VILLAGE OF HARRISON HOT SPRINGS
NOTICE OF MEETING
AND
MEETING AGENDA**

SPECIAL COUNCIL MEETING

Date: Tuesday, June 9, 2009

Time: 7:00 P.M.

Place: Council Chambers, Village of Harrison Hot Springs

1. CALL TO ORDER

Meeting called to order by Mayor Becotte

2. DELEGATIONS

3. REPORTS FROM STAFF

4. ITEMS FOR DISCUSSION

Public Hearing of Zoning Bylaw Amendment Bylaw No. 913, 2009

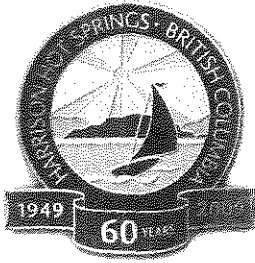
5. BYLAWS

Bylaw No. 913, 2009 Zoning Bylaw Amendment

6. ADJOURNMENT



Larry Burk
Chief Administrative Officer



Village of Harrison Hot Springs
NOTICE OF PUBLIC HEARING
Tuesday, June 9, 2009 at 7:00 p.m.
Council Chambers
495 Hot Springs Road, Harrison Hot Springs, B.C.

TAKE NOTICE that the Council of the Village of Harrison Hot Springs will hold a Public Hearing, pursuant to Section 892 of the Local Government Act of British Columbia, as noted above, on the following item:

1. ZONING BYLAW AMENDMENT BYLAW No. 913, 2009 (RZ02/07)

Location: 853 Hot Springs Rd., Harrison Hot Springs B.C. V0M 1K0
Legally described as: Lot 53, Section 12, Township 4,
Range 29, West 6th Meridian, New Westminster Land District, Plan 52361
(PID 004-306-996)

Owner(s): Khazan & Son's Holding Ltd

Purpose: The bylaw proposes to amend Bylaw 672-1996 from Service Station Zone (CS) by amending and rezoning 853 Hot Springs Road as Residential One (Small Lot) Zone (R3) ; and

The Zoning Map of Zoning Bylaw No. 672, 1996, Schedule "A", 853 Hot Springs Road be amended to Residential One (Small Lot) Zone (R3).

Persons who deem that their interest in property is affected by the proposed amendment bylaw will have an opportunity to be heard at the Public Hearing, or if you are unable to attend, you may send your written submission to the Village Office, PO Box 160, Harrison Hot Springs, BC V0M 1K0 no later than 4:00 p.m. June 8, 2009. All submissions will form part of the record of the Public Hearing.

The proposed amendment bylaw may be inspected between the hours of 8:30 a.m. to 12:00 noon and 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding holidays, from May 28, 2009 to June 9, 2009, both inclusive, in the Village Office, 495 Hot Springs Road, Harrison Hot Springs, BC. Please direct your enquiries to our Village CAO **604-796-2171**.

Please note that no further information or submissions can be considered by Council after the conclusion of the Public Hearing.



Larry Burk,
Chief Administrative Officer



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Larry Burk
Chief Administrative Officer



VILLAGE OF HARRISON HOT SPRINGS

REPORT TO COUNCIL

TO: Mayor and Council **DATE:** April 29, 2009
FROM: Larry Burk, Chief Administrative Officer **FILE:** 3360-20-09
RZ 02/07
SUBJECT: Application to rezone the lands at 853 Hot Springs Road

RECOMMENDATION:

THAT Council approve 1st, 2nd and 3rd reading of the ZONING BYLAW AMENDMENT BYLAW 913, 2009.

BACKGROUND:

On October 16, 2008 the Village received an application to rezone the above noted property for a multi-family townhouse use. Meetings were held between the developer, his agent and the CAO to consider other options to developing the site since the application did not meet our OCP or any current zone in our zoning bylaw.

On January 13, 2009 a letter was sent to the developer that suggested that since the staff could not support the application the developer should review his application to resubmit a proposal more in keeping with the current OCP and existing zoning regulations.

DISCUSSION:

The current zone is Service Station (CS). This zone is contrary to the current OCP designation.

The OCP designates the lands as Low Density Residential but also suggests that in certain areas the continuation of existing multi-family residential and commercial uses existing at the date of adoption of the OCP bylaw can continue. To the best of our records the only activity on the lands at the time of adopting the OCP was a limited use marine mechanic and repair shop in one bay of the existing building. The remainder of the property was unused and the old service station had been abandoned.

The lands have not been used as a CS zone for more than 6 months. Section 911 of the *Local Government Act* indicates that if uses on lands that were "grandfathered" at the time of adoption of a zoning bylaw or OCP ceases for a period exceeding 6 months, then any new development must conform to the new zoning or OCP designations.

The OCP Low Density Residential (6.3.2) limits development to single family and duplex development. The maximum density this suggests is 20 units per hectare. There is no zone in the current zoning bylaw that conforms to this density.

- R1 15 units per hectare if connected to community water;
- R2 12 duplexes/24 units per hectare or single family is 15 units per hectare if connected to community water;
- R3 25 units per hectare at single family including bare land strata developments when connected to community water;

Since there is no existing multi family use on the lands then the multi family part in 6.3.2 is not applicable.

An OCP amendment may be required to utilize current zoning regulations. This process is onerous and would not accomplish or change much in the way of precedent or process.

Another approach is to maintain the OCP designation and consider a Comprehensive Zone that equates to the density specified. This would negate the need to wait for revisions to the zoning bylaw. I would strongly advise that neighborhood consultation be part of this process, something that would likely limit the effectiveness of promoting the application at this time. The developer first made application in June of 2007.

A final approach may be to accept that the intent of the OCP is being met by utilizing the current R3 zone which equates to 25 units per hectare. The current R3 zone does not set "density" actually. It limits the size of lots to 400 square meters. The conversion to 25 units per hectare is simple arithmetic.

Practically an R3 project on these lands would not likely achieve a density of 25 units per hectare. Land required for roadway/driveways, setbacks between buildings, etc. would actually limit the number of units. A direct conversion of area to 25 units per hectare equals 7 units. The maximum number of units on the lands at 20 units per hectare is 6. Therefore the change is not a significant factor overall.

Realistically speaking the actual number of units that could be developed would only be 5, possibly 6.

The surrounding area is developed at R1 and R2 densities. The homes and lots are larger than would be prevalent on the R3 zone. This may be a factor in determining whether this application would require a public hearing.

The impetus to bring this application forward at this time is the result of a recent conversation with the owner. He is being taxed on the lands as commercial and his financing is based on commercial zoning. Since he can't even use it as commercial nor can he develop it in a way that he can recoup his investment, he wanted to at least rezone to what is permitted so as to reduce his tax and financial burden while he goes through the process of reviewing his options and attempting to develop the lands to the highest and best use.

BUDGETARY CONSIDERATIONS:

There are no budgetary considerations for the Village with respect to this application or rezoning except a reduction in taxes.

Upon appropriate development a significant increase in taxes would be expected.

POLICY CONSIDERATIONS:

Rezoning applications can require a Public Hearing. If an application meets the intent of the OCP and is consistent with the intent of the zoning bylaw then a public hearing is not required by legislation.

These lands are designated as Low Density Residential in the OCP. The proposed use of this application in staff's opinion is consistent with the Low Density Residential designation.

In order to meet standards of the zone, the extension of the community water system on Hot Springs Road would be required. The lands are connected to the community sewer system. A drainage system is available but may have to be reviewed for adequacy at time of development or subdivision.

The property is not within a development permit area but Council can designate that the lands meet design guidelines acceptable to the Village prior to approval of any development on the lands.

Any development on the lands following rezoning will require connection to municipal services including water, sewer and drainage systems.

Any development on the lands would be required to conform to all federal, provincial and any other municipal regulations and statutes including payment of appropriate development cost charges at the appropriate time.

Rezoning of lands adjacent to a Provincial Highway requires the approval of the Ministry of Highways.

ALTERNATIVES/OPTIONS:

Council can approve the application;

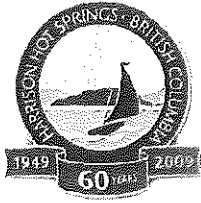
Council can approve 1 or 2 readings and set a public hearing date; OR

Council can approve 1st, 2nd and 3rd readings and waive a public hearing provided that the developer volunteers to provide necessary works and services and executes a development agreement covenant covering the required works and services prior to 4th reading. *RECOMMENDED*

Respectfully submitted for your
consideration;



Larry Burk
Chief Administrative Officer



**VILLAGE OF HARRISON HOT SPRINGS
BYLAW NO. 913**

A bylaw to amend Village of Harrison Hot Springs Zoning Bylaw Number 672-1996

WHEREAS the Mayor and Council has deemed it advisable to amend the Village of Harrison Hot Springs Zoning Bylaw Number 672-1996, the Zoning Bylaw for the Village of Harrison Hot Springs, as adopted on October 28, 1996;

NOW THEREFORE in open meeting assembled, the Mayor and Council of the Village of Harrison Hot Springs enacts as follows:

I. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs Zoning Amendment Bylaw No. 913, 2009".

II. AMENDMENT

- a. That the lands at 853 Hot Springs Road and currently zoned as Service Station Zone (CS) of the Village of Harrison Hot Springs and legally described as:

*Lot 53, Section 12, Township 4, Range 29, West 6th Meridian, New Westminster
Land District, Plan 52361*

be amended and rezoned as Residential One (Small Lot) Zone (R3) of the Village of Harrison Hot Springs; and

- b. That the Zoning Map of the Village of Harrison Hot Springs Zoning Bylaw No. 672, 1996, Schedule "A", 853 Hot Springs Road be amended to Residential One (Small Lot) Zone (R3).

III. READINGS AND ADOPTION

READ A FIRST TIME THIS 19th DAY OF MAY, 2009

READ A SECOND TIME THIS 19th DAY OF MAY, 2009

A PUBLIC HEARING WAS HELD ON THE DAY OF , 2009

READ A THIRD TIME THIS DAY OF , 2009

ADOPTED THIS DAY OF , 2009.

Mayor

Corporate Officer

