

MINUTES OF A PUBLIC HEARING OF THE TOWN OF CRESTON HELD ON TUESDAY, OCTOBER 8th, 2019 IN THE TOWN OF CRESTON COUNCIL CHAMBERS, 238 – 10TH AVENUE NORTH AT 4:00 P.M.

- PRESENT** Mayor Toyota
Councillor Jen Comer
Councillor Arnold DeBoon
Councillor Jim Elford
Councillor Ellen Tzakis
Councillor Joanna Wilson
- STAFF** Michael Moore, Chief Administrative Officer
Ross Beddoes, Director of Community Services
Steffan Klassen, Director of Finance & Corporate Services
Jared Riel, Acting Fire Chief
Stacey Hadley, Corporate Officer
Marsha Neufeld, Executive Assistant
Joel Comer, Municipal Services Coordinator
Donna Cassel, Administrative Assistant
- REGRETS** Councillor Karen Unruh
- MEDIA** Jensen Shields, Juice FM
Jenneil Peters, Creston Valley Advance
- GALLERY** Approximately 17 members of the public, as per the Attendance Record attached as Appendix '1' to these Minutes.
- CALL TO ORDER** Mr. Ross Beddoes, Director of Community Services (the Chair) called the Public Hearing to order at 4:00 p.m.

PURPOSE OF PUBLIC HEARING

The Chair reviewed the purpose and intent of Bylaw No. 1885, 2019 and Bylaw No. 1886, 2019 advising of the following:

That the purpose of proposed Zoning Amendment Bylaw No. 1885, if adopted, would amend Schedule "A" of Zoning Bylaw No. 1123, 1989, being the Zoning Map, by rezoning the property legally described as Lot 1, District Lot 891, Kootenay District, Plan EPP87133 (616 – 16th Avenue South) from "R-1 Single Family Residential" to "R-3 Multi-Family Residential Zone".

That the purpose of the proposed Official Community Plan Amendment Bylaw No. 1886, if adopted, is to add the property legally described as Lot 1, District Lot 891, Kootenay District, Plan EPP87133 (616 – 16th Avenue South) to Development Permit Area 3 – Multi-Family Residential.

That if adopted, the new Bylaws, in general terms, would change the zoning of the subject property from "R-1 Single Family Residential" to "R-3 Multi-Family Residential" use and add the subject property to the "Development Permit Area 3 – Multi-Family Residential" allowing for increased housing options and density in close proximity to the downtown core.

PUBLIC HEARING PROCEDURE

The Chair reviewed the Public Hearing Procedure and advised of the following:

We are convening this Public Hearing to consider and receive submissions regarding proposed Zoning Amendment Bylaw No. 1885, 2019 and proposed Official Community Plan Amendment Bylaw No. 1886, 2019.

Anyone who believes their interest may be affected by the proposed Bylaws will be heard, or may make a written submission. No one will be discouraged or prevented from making his or her views heard.

Council members may ask questions of you following your presentation but our function tonight is to listen to the views of the public, not to debate the proposed Bylaws.

After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations.

Council has received documents which are available for your review. Please refer to the Public Hearing Binder to review these documents. Written submissions received during the course of these proceedings will be read aloud by staff and subsequently will be added to the Public Hearing Binder.

Your only opportunity to comment on the proposed Bylaws is during the Public Hearing. We are not permitted to receive further submissions once we have closed the Public Hearing.

To maintain order and to ensure that everyone has an opportunity to be heard, here are our rules of procedure:

- a) Please begin your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please identify the name of that person or organization.
- b) Please limit your remarks to 5 minutes and to the subject of the proposed Bylaws. Please be respectful to others.
- c) After everyone has spoken once, you will have an opportunity to speak subsequent times to provide additional information, if you wish and subject to the discretion of the Chair.
- d) If you have any concerns about the rules of the Hearing, please address your comments to me, as the Chair.

STAFF REPORT

The Chair provided information with respect to staff reports and written submissions, as follows:

- a) The Statutory Notice of Public Hearing was published in the Creston Valley Advance on September 26th and October 3rd, 2019.
- b) A Staff report was provided to Council for consideration prior to 1st & 2nd readings of the proposed Bylaws on June 11th, 2019. To view the report to Council, please see the Public Hearing binder.
- c) Written, verbal submissions have been received by Staff up to 4:00 pm today. To view the submissions received to date, please see the Public Hearing binder.

The Chair advised of the following:

- a) That there were five (5) written submissions received noting concerns regarding traffic flow, runoff, access with respect to the laneway and uncertainties regarding the proposed building.
- b) That nine (9) members of the public attended the Applicant's Information Meeting held October 2nd, 2019 in Council Chambers.

PUBLIC COMMENTS

There were no first and/or second time speakers with respect to this application.

There were no questions or comments from the gallery with respect to this application.

COUNCIL COMMENTS

Council recommended that the Applicant bring forward a site plan to include specified future plans with respect to the intent of the proposed development.

The Chair advised that further to Council's recommendation for additional information regarding proposed Zoning Amendment Bylaw. 1885, 2019 and proposed Official Community Plan Amendment Bylaw No. 1886, 2019, that the Public Hearing will now be recessed, until such time as the Applicant brings forward a detailed site plan to include future intent regarding the proposed development and upon the provision of public notice as required by the *Local Government Act*.

RECESS

The Public Hearing recessed at 4:09 p.m.

RECONVENE

Mr. Ross Beddoes, the Acting Chief Administrative Officer/Director of Community Services/Chair, reconvened the Public Hearing at 4:00 p.m., Tuesday, December 17th, 2019, with the following being present:

COUNCIL: Acting Mayor Jim Elford
Councillor Arnold DeBoon
Councillor Ellen Tzakis
Councillor Joanna Wilson
Councillor Karen Unruh

STAFF: Ross Beddoes, Acting Chief Administrative Officer/Director of Community Services
Steffan Klassen, Director of Finance & Corporate Services
Jared Riel, Fire Chief
Joel Comer, Municipal Services Coordinator
Marsha Neufeld, Executive Assistant
Bev Caldwell, Corporate Officer

MEDIA: Jensen Shields, Juice FM
Jenneil Peters, Creston Valley Advance

GALLERY: Rolly DeRoover, Applicant
Sharon Kiehlbauch, Resident
Dave Kiehlbauch, Resident
Steve Bandurak, Resident
Mike Gibbons, Resident
Allan Clement, Resident
Marie Gale, Resident
Dallas Magrum, Resident

The Chair reminded those present of the purpose and procedure process for this Public Hearing, which is as stated previously on October 8th, 2019.

STAFF REPORT

The Chair provided information with respect to staff reports and written submissions received since the recess of the Public Hearing on October 8th, 2019, as follows:

- a) The Statutory Notice for the reconvened Public Hearing was published in the Creston Valley Advance on December 5th and 12th, 2019. Additionally, 40 notices were mailed and delivered to owners and occupants within the 60 metre (197 feet) notification area.
- b) A Staff report was provided to Council for consideration prior to 1st and 2nd readings of the proposed Bylaws on June 11th, 2019 (this report was included in the Public Hearing Binder).
- c) On October 8th, 2019 the Public Hearing for the two proposed Bylaws was recessed, following Council's request for additional information from the Applicant with regards to planned development of the subject property. Subsequent to the request, the Applicant has submitted a site plan showing a 6-unit multi-family development, with site drainage improvements.
- d) Written and verbal submissions received by Staff up to 4:00 p.m. today, were also included in the Public Hearing Binder.
 - A written report from the Applicant's second Informal Information Meeting, held on December 11th, 2019, with persons who deem their interest to have been affected by this Application, has been submitted.

- A copy of this report has been included in the Public Hearing Binder.

APPLICANT COMMENTS

The Chair asked the Applicant if he had any further comments. Mr. DeRoover had no further comments at this time.

PUBLIC COMMENTS

The Chair now called for public input from first time speakers.

Mr. Steve Bandurak of 624 – 16th Avenue South advised that the 'laneway' access to 616 – 16th Avenue South also provides access to his property at 624 – 16th Avenue South (rear lot access) and wanted to ensure that this access to his property continues. Mr. Bandurak also expressed concern that in this last year the level of care for property maintenance of 616 – 16th Avenue South was minimal to none and he wants assurance that in 2020 and in the future that property maintenance would be improved. The Chair stated that property owners were to be in bylaw compliance with respect to property maintenance and the Bylaw Officer would respond to complaints in this regard.

Mr. Bandurak asked what type of fencing would be erected, as outlined in the Applicant's drawing of the proposed project. The Chair advised that the it would be a solid fence or hedge with a minimum height of six feet. Mr. Bandurak also asked what the time frame was to commence and complete construction, he stated that he would not like to see the project being stretched out over several years. The Chair advised that the Applicant has no time frame to commence construction at this time. Mr. Bandurak asked if the Applicant proposed to carry out the construction himself, or was the project to be contracted out. Mr. DeRoover (the Applicant) stated that it would be economy dependent and it is unknown at this time if he would be carrying out the construction or if he would be contracting the project out.

Ms. Marie Gale of 531 – 18th Avenue South asked that in future, if the Notices mailed out by the Town of Creston could be mailed out earlier, as she did not receive her Notice in the mail until the day after the October 8th, 2019 Public Hearing meeting. The Chair apologized to Ms. Gale that she did not receive her Notice in time for the October 8th, 2019 Public Hearing date, and advised that the Town has a certain timeline to follow with respect to the mailing of the Public Hearing Notices, and that the timeline had been followed in this instance.

The Chair now called for public input from second time speakers. There were none.

COUNCIL COMMENTS

The Chair asked Council members if they had any comments or questions.

Councillor DeBoon stated that he was happy to see the proposed drawing of the project, which was submitted by the Applicant following the October 8th, 2019 commencement of this Public Hearing, it gives Council some guidance in their upcoming decision. Councillor DeBoon also asked if the house currently located on the property would be demolished or removed prior to construction of the project. The Applicant advised that the house would be removed and that land area would be included within the project area.

The Chair stated that density was an issue for nearby residents and should Council choose, a Restrictive Covenant could be registered on the title for 616 – 16th Avenue South, prior to adoption of Bylaws No. 1885 and No. 1886, restricting the construction project to a maximum of six units, single story, etc.

FURTHER PUBLIC INPUT

The Chair asked if there was further public input from members of the Gallery. There was none.

The Chair then asked Council if they required a further Staff report for additional information on this Public Hearing. Council made no request for additional information.

The Chair reminded Council members that they are not permitted to receive further submissions once the Public Hearing is closed. Therefore, all written and oral submissions regarding proposed Zoning Amendment Bylaw No. 1885, 2019 and proposed Official Community Plan Amendment Bylaw No. 1886, 2019 up to and including the December 17th, 2019 reconvened Public Hearing, be received and that the Public Hearing be closed.

CLOSE HEARING The Public Hearing closed at 4:14 p.m. on December 17th, 2019.

CERTIFIED TRUE AND CORRECT:

Acting Mayor Jim Elford

Bev Caldwell, Corporate Officer