



Public Participation

This meeting is being held in person and electronically in accordance with Part 2, Division 2 of the *Kitimat Municipal Code*.

The public may attend in person.. To attend electronically or to provide input on any of the following agenda items, please contact planning at (250) 632-8900 or email planning@kitimat.ca by 12:00 p.m. the day of the meeting.

1. Call to Order
2. Election of Chair and Vice-Chair
3. Approval of the Agenda
- Page 3 4. Approval of the Minutes – June 23, 2022
5. Referrals from Council

- Page 5 a. Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 and G5 Forestry Zone Amendment Bylaw No. 2030, 2023 (7.5.6.156)
Applicant: Sandhill Materials Inc.
6. Advisory Planning Commission Discussion Topics
 7. Parliamentary Procedure Presentation

- No variations required with this application.
- Developers discussing with DOK engineers – drainage. Other recommendation to put in two crosswalks in integrated into current sidewalk.
- Third access would be a gated only for emergency purposes.

Commission Discussion

- Snow removal questions
 - o Anmol noted that storage will be onto the side of property because this is a strata development it is not District responsibility.

Moved and seconded,

“THAT the Advisory Planning Commission provide a recommendation of support for the proposed Development Permit – multi-family residential development located at a lot abutting Nalabila Blvd and Wakita Ave as presented.

Motion Carried Unanimously

Motion: APC22-012

Development Permit – Multi-Family Residential Wakita x Nalabila

5. **Advisory Planning Commission Discussion Topics**

- a. **Increased traffic concerns:** Commissioner noted increased traffic due to developments and kids on traffic. What kind of precaution for kids out playing? Notice and have seen concerns about near misses. Request for police presence not just in the mornings.
 - a. Councillor Feldhoff will pass on concerns to Traffic Committee, Angie to pass along.

6. **Adjournment**

Next meeting scheduled for Thursday, June 23

Moved and seconded,

“THAT the meeting adjourns.”

Motion Carried Unanimously

The meeting adjourned at 5:25 p.m.

CERTIFIED TRUE AND CORRECT

Chair

Director of Planning

ADVISORY PLANNING COMMISSION REPORT

Date: May 25, 2023
File: 7.5.3.156
To: District of Kitimat Advisory Planning Commission
From: Warren Waycheshen, CAO
Re: Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 and G5 Forestry Zone Amendment Bylaw No. 2030, 2023
Applicant: Sandhill Materials Inc.
Location: District Lot 7648 Range 5 Coast District except the south 700 feet



Council Referral Actions

THAT the application to amend the Kitimat Official Community Plan (Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023) and to rezone (G5 Forestry Zone Amendment Bylaw No. 2030, 2023) for a proposed Soil Storage Facility located at the Sandhill Materials property, District Lot 7648 Range 5 Coast District except the south 700 feet, be referred to the Advisory Planning Commission.

Recommendation

THAT the Advisory Planning Commission receive the application to amend the Kitimat Official Community Plan (Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023) and to rezone (G5 Forestry Zone Amendment Bylaw No. 2030, 2023) for a proposed Soil Storage Facility located at the Sandhill Materials property, District Lot 7648 Range 5 Coast District except the south 700 feet for review.

AND THAT the Advisory Planning Commission provide a recommendation (supporting / not supporting) the application to amend the Kitimat Official Community Plan (Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023) and to rezone (G5 Forestry Zone Amendment Bylaw No. 2030, 2023) for a proposed Soil Storage Facility located at the Sandhill Materials property, District Lot 7648 Range 5 Coast District except the south 700 as presented (with the following comments, if any).

Applications

In January 2021, Sandhill Materials applied to amend the *Kitimat Official Community Plan* (OCP) and the *Kitimat Municipal Code* (KMC) to allow for the development of a soil storage facility on the Sandhill property in the Kitimat Industrial Park west of Service Centre (Attachment A to Attachment A of the Council Report). Sandhill proposed the land use to receive clean, waste soil that had been stripped from development sites throughout Kitimat.

A Background Report (Attachment A to Council Report) prepared by a District of Kitimat Planning Consultant details the history of the proposal and outlines a strategy for amending the OCP and the Zoning Bylaw. It further recommends a monitoring and administrative approach, including the registration of a Restrictive Covenant (Attachment G to Council Report) to ensure the proponent develops the proposed use strictly in accordance with the peer reviewed professional Geotechnical, Stormwater Management, and Environmental reports (Attachment F to Council Report).

On May 8, 2023, District of Kitimat Council gave first and second reading to the proposed OCP and Rezoning amending bylaws (Attachment B and C to Council Report). A Public Hearing is scheduled for 7:00 pm on Monday, June 12, 2023.

Questions raised through the process by the public regarding the applications will be addressed and will be included in the public handbook for consideration by Council at the public hearing.

Public Notice

In accordance with the *Kitimat Municipal Code* and the *Local Government Act*, a Public Hearing Notice, which describes the application, invites public comment, and provides a date/time/location for the hearing, will be mailed to property owners and tenants within 90 metres of the Sandhill properties. Additionally, the Public Hearing notice will be advertised in the local paper and will be posted on the District's website, on municipal bulletin boards, and in a public handbook made available at the District's front desk. The application may also be referred to Council's Commissions, as directed.

Discussion

In accordance with Council's motion of May 8, 2023, the application has been referred to the Haisla Nation and the Regional District of Kitimat-Stikine.

'Warren Waycheshen'

Submitted by:
Warren Waycheshen, CAO

Attachment(s): A – Report to Council dated May 1, 2023 with attachments

- A. April 18, 2023 Report from Consultant
 - Attachment A - Location Map – Proposed Deposition Area
 - Attachment B - Original Site Plan – Proposed Deposition Areas
 - Attachment C - Permitted Mine Areas and Phase 1 – Proposed Disposition Area Maps
 - Attachment D - Visual Representations of Site
 - Attachment E - Soil Storage Facility Use Area #1 Map
 - Attachment F - July 27, 2022 comments from Fisheries and Oceans Canada
- B. Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023

- C. G5 Forestry Zone Amendment Bylaw No. 2030, 2023
- D. Excerpts from the Kitimat Official Community Plan
- E. Application dated October 31, 2022
- F. Technical Reports
 - F.1 - Tetra Tech - Waste Soil Storage Facility – Sandhill SSA – Geotechnical Peer Review Tetra Tech Response (March 11, 2022)
 - F.2 - Tetra Tech - Sandhill Materials Soil Storage Area Geotechnical Assessment Report (April 12, 2022)
 - F.3 - WSP - Review of Sandhill Soil Storage Area (SSA) – Geotechnical Peer Review 1, 2023 (October 6, 2021)
 - F.4 - McElhanney - Civil Design of Soil Storage Sites and Road Access – Preliminary Design – Issued for Permitting (December 7, 2021)
 - F.5 - McElhanney - Sandhill Soil Storage – Storm Water Management – Technical Memo (February 22, 2022)
 - F.6 - Knight Piesold Consulting- Sandhill Soil Storage Areas 1,2 and 5 – Geotechnical and Geophysical Site Investigation (February 28, 2020)
 - F.7 - McElhanney - Sandhill Waste Soil Storage Site Development - Traffic Summary (February 1, 2023)
 - F.8 - McElhanney - Sandhill Traffic Impacts on Haisla Blvd at Eurocan Way – Technical Memo – Supplement (March 3, 2023)
 - F.9 - Hatfield - Scope of Services for Third Party Review – Sandhill Development Application (July 13, 2021)
 - F.10 - McElhanney - Response to Third Party Review of Environmental Assessment / Sandhill Waste Soil Storage (March 10, 2022)
 - F.11- McElhanney – Sandhill Waste Soil Storage – Environmental Assessment (February 4, 2020)
- G. Draft Section 219 Covenant (pages 4-18)

Attachment A (APC Report May 26, 2023)

COUNCIL REPORT

Date: May 1, 2023
File: 7.5.3.156
To: Mayor and Council
From: Warren Waycheshen, CAO
Re: Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 and G5 Forestry Zone Amendment Bylaw No. 2030, 2023
Applicant: Sandhill Materials Inc.
Location: District Lot 7648 Range 5 Coast District except the south 700 feet



Recommendation:

Action:

Council considers first two readings of the Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 and G5 Forestry Zone Amendment Bylaw No. 2030, 2023. If Bylaw 2029 and Bylaw 2030 receive first two readings, that Council considers scheduling a Public Hearing.

Recommended Motion:

Council first consider the following:

THAT Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 receive first and second reading.

THAT Council has considered impacts of Bylaw No. 2029, 2023 to Kitimat's Five-Year Financial Plan and Waste Management Plan and found no measurable impact;

THAT in accordance with section 475 and 476 of the Local Government Act, Council directs the referral of the proposed amendment bylaw with the following persons, organizations, and authorities, with any comment to be provided at or in advance of the proposed public hearing, and staff be available to respond to questions from:

1. Haisla Nation; and
2. The Regional District of Kitimat-Stikine

THAT Bylaw No. 2029, 2023 be referred to the Advisory Planning Commission;

THAT a public hearing be scheduled for 7:00 p.m. on Monday, June 12, 2023;

AND THAT the public hearing be held as an electronic meeting.

If Bylaw No. 2029, 2023 receives first two readings, Council consider the following:

THAT G5 Forestry Zone Amendment Bylaw No. 2030, 2023 receive first and second reading.

THAT Bylaw No. 2030, 2023 be referred to the Advisory Planning Commission.

THAT a public hearing be scheduled for 7:00 p.m. on Monday, June 12, 2023;

AND THAT the public hearing be an electronic meeting.

Background:

In January 2021, Sandhill Materials (Sandhill), applied to amend the *Kitimat Official Community Plan (OCP)* and to rezone to allow for the development of a soil storage facility on their property in the Kitimat Industrial Park west of Service Centre.

Attached (Attachment A) is a background report prepared by Randy Lambright, RPP, District of Kitimat consultant (“Consultant”).

Land Use Designations, Forest License Official Community Plan Amendment Bylaw No. 2029, 2023 (“OCP Amendment Bylaw”)

OCP Amendment Bylaw proposes to amend Forest License under Land Use Designations as follows:

Forest License

Areas designated Forest License Area cover unalienated Crown land in Kitimat’s municipal boundaries. The District is able to work with the Province, the license holder and other stakeholders to develop logging plans for lands under this designation.

Soil Storage Facility use may be permitted on District Lot 7648 Range 5 Coast District except the south 700 feet subject to evaluation based on:

- *detailed Environmental Review;*
- *detailed Geotechnical Analysis;*
- *submission of any other report/analysis deemed appropriate by the District; and*
- *compliance with all other District policies and bylaws.*

The amended text is shown underlined.

The *Official Community Plan* notes under Resource Extraction:

Sandhill & Other Pits & Quarries	4.1.47	Provide for the continuation of sand and gravel operations at Sandhill, with a view to its final end use for industrial use and a transportation utility corridor.
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Staff has considered this section for this report.

G5 Forestry Zone Amendment Bylaw No. 2030, 2023 (“Zoning Amendment Bylaw”)

Zoning Amendment Bylaw proposes to amend Part 9 Planning, Division 7 - Greenbelt Zoning, Subdivision 10 – G5 Forestry Zone Regulations, Section 9.7.10 – Permitted and Accessory Uses to reflect the following:

9.7.10. Permitted and Accessory Uses

1. *The following principal uses are permitted in the G5 Forestry Zone:*
 - a. *Agriculture*
 - b. *Forestry, including harvesting, tree planting, and portable sawmills*
 - c. *Detached Residence with not more than two dwelling units*
 - d. *Temporary Uses: in accordance with Part 9, Division 8.*
 - e. *Soil Storage Facility use only in the case of the area shown as Bylaw No. 2030, 2023, Soil Storage Facility Use Area on the Kitimat Zoning Map*

The amended text is shown underlined.

Sandhill and the Consultant have been in extensive discussions and are agreed that a section 219 covenant will be voluntarily provided by Sandhill and is required to be registered with the Land Title Office prior to the adoption of the Zoning Amendment Bylaw. If the Zoning Amendment Bylaw receives first and second readings, staff will work with the applicant to prepare and register the section 219 covenant. As a condition in the covenant, if the Zoning Amendment Bylaw does not proceed, the Section 219 covenant would be removed. The section 219 covenant (Attachment G(draft)) will require the applicant to:

- restrict its use of the Soil Storage facility to clean overburden, as was intended by the applicant;
- provide security in the form of a letter of credit for 125% of construction costs;
- ensure development occurs in accordance with the geotechnical, environmental, stormwater management reports, and with an Environmental Protection Plan as prepared by a Qualified Environmental Professional;
- ensure site reclamation occurs in accordance with a plan submitted to the Municipal Engineer; and
- release and indemnify the District of Kitimat from liability of development of the site.

Development Permit Application

Provided the OCP Amendment Bylaw and Zoning Amendment Bylaw are adopted, a development permit will be required as the property has slopes equal to or greater than 25% (Development Permit Area Schedule C – Hazardous Areas (Northern Area)). Staff will bring forward the development permit for Council consideration at the appropriate time.

The Consultant recommends that Council proceed with the legislative procedure to consider the Development Permit proposal as the Applicant has submitted the necessary geotechnical, environmental, stormwater management, and traffic reports. The reports have been reviewed and are considered satisfactory for implementing Development Permit Guidelines and assisting with determining appropriate conditions for a development permit.

Process:

The following legislative procedure is proposed by staff:

- Council considers First and Second Reading to the OCP Amendment Bylaw and Zoning Amendment Bylaw;
- Council directs a Public Hearing to be held and Public Notice to be issued;
- A Public Hearing is held;
- Council considers 3rd reading of the OCP Amendment Bylaw and Zoning Amendment Bylaw;
- Staff work with the applicant to finalize and register the Section 219 covenant;
- Council considers adoption of the OCP Amendment Bylaw and Zoning Amendment Bylaw; and
- Council considers a Development Permit Application (staff will bring forward a report at the appropriate time).

Other Department Comments:

Director of Engineering

Part 7, Division 2, Subdivision 6 - Excavated Material from the *Kitimat Municipal Code* states:

- 7.2.6.
1. No Person shall deposit or cause to be deposited any soil, sand, gravel, rock or other excavated material on any land in the District unless:
 - a. the material originates within the boundaries of the property on which it is deposited and is graded to blend in with the surroundings; or
 - b. the material consists of topsoil or rock being deposited for purposes of establishing a landscaped area; or
 - c. the material is deposited in a location designated by the Municipal Engineer in writing.
 2. The Municipal Engineer in issuing permission provided for in 1. above may specify:
 - a. that the applicant produce the written permission of the Owner of the property on which material is to be deposited;
 - b. the maximum elevation to which the material to be deposited may be placed;
 - c. the nature of the material which may be deposited;
 - d. the frequency of grading, compaction, or levelling which will be required.

This is addressed in section XIV. On-Going Monitoring and Administrative Strategy of the report from the Consultant dated April 18, 2023 (Attachment A).

Director of Corporate Administration

Staff is suggesting that the Public Hearing be authorized as an electronic meeting. This would allow the applicants and the public to attend and participate electronically. The applicant and the public would also be able to attend and participate in the Public Hearing process in person.

Alternative Options:

1. If Council does not wish to consider first and second reading of the OCP Amendment Bylaw and Zoning Amendment Bylaw, the following is offered for Council consideration:

THAT the Official Community Plan and Zoning Amendment Application dated October 2022 by Sandhill Materials be denied.

2. Other options or motions on the above items or additional issues as developed through discussion of Council.

Budget:

Not Applicable

“DR”

Director of Finance Initials

Budgeted:

Unbudgeted:

Council Initiative/Other Relevant Plans:

Kitimat Official Community Plan 2018 (excerpts provided)

“Warren Waycheshen”

Respectfully Submitted by:
Warren Waycheshen,
Chief Administrative Officer

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