



## Minutes

The meeting of the APC was held on Wednesday, May 26, 2021 by video conference (due to Covid-19), commencing at 5:00pm.<sup>1</sup>

**PRESENT:** Adam Perry, Member, Chair  
Gerry Leibel, Member, Vice-Chair  
Emanuel DeMelo, Member  
Mike Langegger, Member  
Tanya Healey, Member  
Brain Andrew, Member  
Colin Light, Member  
Councillor Goffinet, Council Representative, Non-Voting  
Councillor Empinado, Council Representative, Non-Voting  
Karen Jonkman, School Board Representative, Non-Voting  
Raymond Raj, School Board Representative, Non-Voting

**ABSENT:**

**GUESTS:** Darren Hedberg – DCH Industries – 18 Moore Street  
Dino Stamatakis – C&C Road Maintenance  
Jack Oviatt – J.Oviatt Contracting – Loganberry Street

**STAFF:** Angie Lucas, Director of Planning  
Colin Brown, Planner  
Krysten Hogan, Planner  
Danielle Luckey, Planning Clerk

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**

Add: Additional Discussion

Leibel / Langegger: THAT the agenda be approved as presented.  
**CARRIED**

- 3. APPROVAL OF MINUTES**

This meeting was held through electronic facilities as authorized under Order M192 of the Ministry of Public Safety and Solicitor General during the declaration of a state of emergency made March 18, 2020 in order to conduct business in accordance with public health advisories related to the COVID-19 pandemic.

Leibel / DeMelo: THAT the minutes of the meeting held 22 April 2021 be approved as presented.

**CARRIED**

**4. BUSINESS ARISING FROM THE MINUTES**

**APC Policy Document**

- Director of Planning informed Commissioners that the Policy is still being prepared, and a draft will go to Council for their review.
- We do have the APC Bylaw which uses more legal language, this policy will be a more readable document, with more procedures, roles and responsibilities.

**CARRIED**

**5. REFERRALS FROM COUNCIL**

- **Development Variance Permit – 18 Moore Street**

THAT the Advisory Planning Commission receive “Development Variance Permit – 18 Moore Street report dated 18 May 2021.

**CARRIED**

**Discussion**

- Contractor, Darren Hedberg- DCH Industries Ltd., was present and provided an overview of the application
  - The application went to Council previously, this is a variance to build an accessory structure in the back with 8-foot walls, height of mid-pitch 3.65m.
  - Mr. Hedberg noted that the existing shed was in the front of the property. The new structure will be the same height as the previous one and will back onto greenspace.
  - Mr Hedberg noted for reference an accessory building current bylaw states mid-pitch of rafter for roof line cannot be more than ten feet, if you want a normal door built in wall with header the 8 foot wall is impossible to complete.
  - Councillor Marleau and Zielinski went to property, spoke to home owners who were in favour.
- Staff Comments
  - Staff are reviewing the requirements regarding the current height allowances for accessory buildings as per Council direction, expect to see information on this topic in the future.
  - Mail out notice has been issued to neighbours within 30m, currently no comment received.

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Langegger / DeMelo:

THAT the Advisory Planning Commission recommend that Council approve the application for a Development Variance Permit for 18 Moore Street.

**CARRIED**

- **Temporary Use Permit – C&C Road Maintenance**

THAT the Advisory Planning Commission receive “Temporary Use Permit – TL 9472 Portable Asphalt Plant” report dated 18 May 2021.

**CARRIED**

- Applicant, Dino Stamatakis, was present and provided an overview of their application.
  - He wants to set-up a portable Asphalt plant in Sand Pit operated with Daudet Creek Contracting at Forest Avenue.
  - He wants to fill needs of private and industrial sectors.
  - He is a part-time permanent contractor in town. Currently does snow removal for Rio Tinto.
  - Have discussed with Council, concern for Environmental impacts. Plant is small only 140 tonnes per hour, burns less than half capacity of previous plant in Kitimat. Has a bag hill system, all parts have been replaced to reduce emissions.
  - Plant is seven years old.
- Commission discussion
  - Permitting is done through the Province, the pit is managed with local contractor Daudet Creek. They have approval with the environmental manager and have re-applied to update the contract. Due to Covid the process to update the contract is taking a long time.
  - Inquired how long plant would be up – plant would be up until approximately November every year for the next three years.
  - Concern with emissions – scrubbers, filters and stack testing
    - Bag house system, long sock pipe. Applicant willing to do testing.
  - Soil testing – before and after removal of plant
    - Follow all current environment practices, prep ground before hand. When we remove we complete appropriate process
  - Non – preamble ground – concern with water contamination
    - New plant, oil tank was built last year, spill trays applied.

- Distance to residence, concern with 3000m and noise to be generated to homes 1km away and operation of plant times.
  - Approximately 3 km from highway to pit site.
  - Dino noted people won't hear plant running, same as any aggregate machines running.
- Concern with the plant operating times
  - Would like to have the plant run 7 am – 7 pm, flexible, plant shuts down before crew stops working.
- No certainty of plant operation
  - Due to weather being a dictator in how much we can do, we need to take advantage of the nicer days. A twelve-hour day is extreme and only when we have consecutive down days.
- Noise output stats
  - With the go ahead we will set-up and get concrete number and noise samples to you. It has never come up as an issue in other areas.
  - Also will reach out to manufacturer to get stats, sheet provided did not have specific.
- What is the acceptable noise preference for WorkSafe
  - Applicant to reach out and inquire.
- Occupational Safety Plan in place
  - Already in place.

Leibel / Light:

THAT the Advisory Planning Commission recommend that Council approve the application for a Temporary Use Permit at TL9472, Portable Asphalt Plant, conditional on;

- i. Confirmation on noise output generated from plant;
- ii. Confirmation on hours of operations;
- iii. Confirmation on number of vehicles of trucks accessing through;
- iv. Completion of monthly stack emission testing during months of operation; and
- v. Provide an update to Council on any impacts within three months of operation.

## **CARRIED**

- **OCP & Zoning Amendment – Loganberry Street**

THAT the Advisory Planning Commission receive “Loganberry Commercial OCP and Zoning Amendment Bylaw 1996, 2021” report dated 12 May 2021.

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## CARRIED

### DISCUSSION

- Applicant, Jack Oviatt from J. Oviatt Contracting, was present and provided an overview on the application.
  - Looking to rezone three lots opposite three lots that are already zoned C-10.
  - Mr. Oviatt would like to attract persons from Terrace to come set up here in Kitimat. Currently no land in Kitimat that is viable for entrepreneurs.
  - Have a client wanting first two lots, goal is to keep him in Kitimat.
  - 220 & 230 Loganberry are reserved for an indoor go kart track. Working on new funding options.
    - If rezoning goes through and is funding obtained, they will proceed with further application with development plans for these lots.
  - Hope to attract small businesses to Kitimat, keep them in one area.
  - One of Mr. Oviatt's customers set up an operation on a lot and has moved to lot 189 as it was too big to operate on previous lot.
  
- Commission Discussion
  - What is the vision of Strawberry Meadows, mixed use with small business and green space.
    - Mr. Oviatt explained that the meadows has always had the ability for business owners to be at their residence, currently two employees.
    - The goal here is to have more opportunities for more employees.
  - Previously Mr. Oviatt was opposed to previous re-zoning applications came up, saying the residents didn't want the noise.
  - Lot 13, was in Strawberry Meadows, goal that Council has taken is to diversify Strawberry Meadows. We are currently in transition, we have a camp, Dementia Cottage, and TSW.
    - Mr. Oviatt stated this is a simple yes or no.
  - An application was submitted to develop property below Fire Hall to Council that was turned down. Council wanted to follow Downtown Design Guidelines want businesses to focus on re-vitalizing current spaces.
    - If there is an obstacle for businesses to come in, Council needs to address. We cannot mitigate an issue by fragmenting, concentrate so we have a viable downtown area.
  - Table for further discussion on how city sees Strawberry Meadows is developed.
  - Persons who have purchased lots in this area for larger lots, all

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aware of issues with TSW. We do not do commercial sprawl; we don't need it everywhere. Try to concentrate commercial space to an area.

- Concern with residents within the area, would they support this.
- Too much diversification can not always be a benefit to a neighbourhood
  
- Staff Comments
  - When a Zoning amendment application is received, it must comply with OCP. In reviewing these six lots the application did not meet the designated land use and did not support these Commercial use purposes.
  - Staff met with Mr. Oviatt on how this would become a transition zone.
  - Discussion on creating some OCP policies to describe what Strawberry Meadows is, currently there is no reference to Strawberry Meadows in OCP. This is an opportunity to bring in some policies and update the land use designations that will support this application.
  - The majority of Strawberry Meadows is zoned G3-B and G3-C, both allow for two residential dwellings and support home occupation or a home business. A property owner can operate a business with one employee.
  - Director of Planning clarified not ALR designated.
  - Currently three commercially zoned properties on Loganberry, south of Civeo Camp.
  - Director of Planning stated that Kitimat is going through a transition period due to increased industry impact and asked the Commissioners to perhaps think outside the box and be flexible, as there may be a problem for small businesses to buy affordable land. There might be a need to think differently.
  
- Mr. Oviatt does not agree with abstaining, sees that as a negative vote.

Leibel / Langegger:

THAT the Advisory Planning Commission does not recommend that Council approve the application for an OCP and Zoning Amendment – Loganberry Street.

**Abstained:** C.Light, A.Perry, E.DeMelo, B. Andrew

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## 6. NEW BUSINESS

### **APC Designated Secretary Letter**

- This letter created by the CAO is a requirement of the APC Bylaw. The letter states that the Planning Clerk, Danielle Luckey, is the secretary of the commission. Any inquiries and questions should go through Danielle.

## 7. ADDITIONAL DISCUSSION

### **Legacy Projects**

- Lots of opportunity to create and leave legacy projects within the community. APC would like to be a part of the discussion.
- Director of Planning, asked Commissioners to look into what they feel a legacy project is.
- APC deals with land use items.
- Tabled for future discussion.
- A reminder that APC cannot provide work to staff, a request must go through Council. A recommendation is created and goes back to Council for their review and decision.

### **Visionary Plan**

- Planning Capital budget projects will be coming to APC:
  - Concept plan for Nechako Centre
  - Continuation of Downtown Plan (lot 14 side)
  - Lower City Centre Parking Lot.
- Staff to start working on these soon, these projects may address some concerns.

### **Businesses moving out of city core, vacant lots**

- Tabled for next meeting.

## 8. NEXT REGULAR MEETING

TBD (pending any referrals from Council)

## 9. TERMINATION:

Langegger / Healey: THAT the meeting terminate.

Time: 7:01pm

Certified Correct:

Confirmed:

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Chair

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Director of Planning

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