

Attachment B

DISTRICT OF KITIMAT
BYLAW NO. 1968

A BYLAW TO AMEND KITIMAT OFFICIAL COMMUNITY PLAN WITH RESPECT TO DEVELOPMENT PERMIT GUIDELINES FOR PROTECTION OF DEVELOPMENT FROM WILDFIRE

WHEREAS THE *BC Local Government Act* specifies an OFFICIAL COMMUNITY PLAN (OCP) may designate development permit areas to protect development from hazardous conditions;

AND WHEREAS Kitimat Council deems it is in the public interest to amend the OCP to establish a Development Permit Area to protect development from hazardous conditions associated with wildfire;

AND WHEREAS THE *BC Local Government Act* specifies areas that are subject to wildfire must remain free of development, except in accordance with conditions contained in a Development Permit;

NOW THEREFORE the Council of the District of Kitimat, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as “DEVELOPMENT PERMIT AREA – HAZARDOUS CONDITIONS, FIRESMART AMENDMENT BYLAW NO. 1968, 2020”.
2. Kitimat *Official Community Plan* (2008) is hereby amended by:
 - a. adding text further to provisions outlined in Schedule A which is attached to and forms part of this bylaw;
 - b. amending Schedule C – Hazardous Areas to read “Schedule C – Hazardous Areas, Flood and Steep Slope”;
 - c. adding map titled “Schedule C – Hazardous Areas, Wildfire Interface”, attached as Schedule B.
3. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this	day of	2020
READ a second time this	day of	2020
A PUBLIC HEARING was held this	day of	2020
READ a third time this	day of	2020
FINALLY ADOPTED this	day of	2020

MAYOR _____

CORPORATE OFFICER _____

Schedule A
OFFICIAL COMMUNITY PLAN AMENDMENT

- 4.4.19 There are important environmentally sensitive and important fisheries and wildlife habitat, including the Kitimat River Estuary and the Pine and Cordella Creek estuaries in the northwest corner of Minette Bay. These sensitive and key habitats can be protected by limiting land use to parks, open space and public / private passive recreation.

There are also extensive hazard areas and areas adjacent to hazard areas that could be adversely affected by, or could increase, inherent hazards, and therefore development in these areas needs to be protected, if any such development can reasonably occur.

Kitimat has a wet marine climate; heavy rain will saturate soil and increase the chance of land slip. See Schedule C, note portion of area with slopes of 25% or more. Evidence of soil movement is common in such rugged terrain. Mass wasting of “top-of-bank” lands from the ravines which are an important landscape feature in Kitimat’s settlement area is not unusual. Landslide-induced tsunamis are also possible. In April 1975, wave height of about 6m was observed at Kitimaat Village, which resulted from a subsurface slide at Moon Bay, 2.5km away and on the opposite side of the harbour.

Complete geotechnical investigations and stability analysis have not been done, and limited data is available on sediments in the delta area. Test holes drilled in 1954 on the east side of Kitimat Arm found silt, sand and gravel beds at least 45m thick. The undeveloped west side of Kitimat Arm is known to have deposits of metastable subsurface sediments or weak marine clays. This clay is found at many other sites in Kitimat.

The mechanisms for triggering an underwater slide in areas underlain with such clay deposits are:

Natural occurrences such as extreme low tide, excess ground water from heavy rain, river sedimentation, and seismic vibrations (earthquakes);

Construction operations; and

Added surface load, including fill or wharf structures.

Four potential sites in Kitimat Harbour have metastable subsurface sediments which may be susceptible to sliding. Three of these sites are in a confined area approximately 5km south of the Rio Tinto Alcan Wharf on the west shore of Kitimat Arm. The fourth is south of Kitimaat Village. Waves originating from a submarine landslide have the potential to damage vessels at dock, and during loading and unloading.

Lands in Cable Car Neighbourhood, Imatra Neighbourhood, Forest Hill Heights Subdivision, Strawberry Meadows Area of Kildala Neighbourhood, on Kitimaat Village Road, and along the outer perimeter of Whitesail Neighbourhood are subject to hazardous conditions posed by wildfire. Provisions under this DPA are to protect future development from wildfire threatening residents’ safety and damaging homes, property, and infrastructure.

Additional special conditions and objectives which justify these DAI and DPA designations are provided in Section 4.4 and policies and objectives generally found throughout this document.

- 4.4.20 A Development Permit under this designation is not required in the following circumstances: Project permitting or approval process has required: (1) federal, provincial, or joint federal-provincial environmental impact assessment (2) community consultation, and (3) impact mitigation.

- 4.4.21 The following Development Permit guidelines apply to this development permit area:

Protection of the Natural Environment

- Areas identified on Schedule A, should generally remain free of development, and be protected, preserved, restored or enhanced, subject to consideration of additional development approval information and the reports of environmental professionals.
- Some public access and limited development may be permitted (i.e. parks, open space and public / private passive recreation) in the Kitimat River Estuary and Minette Bay

subject to access agreements, impact assessment report findings and design that retains natural attributes. Any proposed dredging in Minette Bay requires an environmental assessment.

- Areas of environmental significance (e.g. ravines, steep slopes, drainage channels) should be left in a natural state.
- Areas of natural forest should be preserved.
- Consider Fisheries and Oceans Canada and the Province's Land Development Guidelines for the Protection of Aquatic Habitat as guidance to all new developments where sedimentation, runoff and erosion are potential concerns, and consider the Riparian Areas Regulation pursuant to the Fish Protection Act as guidance.
- Encourage implementation of the Kalum Land and Resource Management Plan (LRMP) by identifying sites with provincial and federal agencies and First Nations where sensitive marine environments are being considered for development.
- Proposed development should not harm the biodiversity of the Kitimat River.

Protection of Development from Hazardous Conditions – Flood and Steep Slopes

- Areas identified on **Schedule C – Flood and Steep Slope** should generally remain free of development except on the provision of professional reports which indicate that the lands can be used safely for the intended use, including with respect to soil stability and potential mitigative strategies prior to development approval in areas where instability is a concern.
- Uses in areas adjacent to hazard areas that could be adversely affected by, or could increase, inherent hazards should similarly be limited and subject to professional assessment.
- Lands subject to flooding should be employed only for uses not readily damaged by flood waters (e.g. parks, open space and agriculture).
- Province of BC Flood Hazard Area Land Use Management Guidelines should be considered for any development proposed within the 200-year floodplain limit.
- Adhere to the recommended minimum floodplain setbacks in the Province of BC Flood Hazard Area Land Use Management Guidelines. Areas exempted from municipal hazard land policies and subject to Provincial floodplain policies include the industrial area, land in Service Centre protected by the present dyke and remaining undeveloped properties in Kildala Neighbourhood.

Protection of Development from Hazardous Conditions – Wildfire Interface

- Areas identified on **Schedule C – Wildfire Interface** are subject to Development Permit regulations provided below.
- A Development Permit must be obtained for new construction and exterior renovations with a building permit value of \$200,000 or more.
 - Development Permit is not required for:
 - Subdivision of land or buildings
 - Altering land, unless such alterations are inconsistent with landscaping and yard guidelines below.
 - Construction, repair, or renovation work with a building permit value estimated to be less than \$200,000
- The following Development Permit Guidelines apply to dwelling units, and accessory buildings or structures, in area identified in **Schedule C – Wildfire Interface**:

Non-combustible Zone (0 – 1.5m from dwelling)

<i>Roofing</i>	Fire-resistant or fire-retardant roofing rated Class A, B, or C is required.
<i>Siding</i>	Stucco, metal siding, brick or concrete, and fibre cement siding offer superior fire resistance, with logs and heavy timber reasonably effective. Untreated wood is not permitted. Vinyl siding may be considered with landscape plan mitigating risk conditions deemed appropriate by Fire Chief and Planning Officer.
<i>Windows</i>	Tempered, thermal (double-paned) windows are recommended.

Doors All exterior doors should be fire-rated and have a good seal, including, entry and garage doors.

Landscaping Only low-density fire-resistant plants and shrubs may be planted within 1.5m of primary structure.

Zone 1: Yard (1.5 – 10m)

Landscaping Low-density fire-resistant plants and shrubs are recommended. Heavily-treed areas within 10m of primary structure are permitted only where (1) trees are deciduous (e.g., alder, ash, aspen, birch, cherry, cottonwood, maple, poplar) and (2) Fire Chief determines spacing is appropriate

Wood storage Wood storage or wood piles shall be 10m or more from the primary dwelling and any other structure built of combustible materials.

Zone 2: Outer Yard (10 – 30m) - where applicable

Landscaping Deciduous trees are preferred.
Coniferous trees in Zone 2 shall be pruned to remove branches within 2m of natural ground.

Schedule B
OFFICIAL COMMUNITY PLAN MAP:
SCHEDULE C – HAZARDOUS CONDITIONS, WILDFIRE INTERFACE

