

COUNCIL REPORT

Date: 11 February 2016
File: 7.5.3.127
To: Warren Waycheshen, CAO for Mayor and Council
From: Director of Community Planning & Development
Re: **Riverbrook Estates Zoning Amendment Bylaw No. 1878**



Recommendation:

Action: Council will consider comment received at the public hearing. If comments warrant further consideration, Council may request a staff report.

If Public Hearing is closed:

THAT Second Reading be given to “RIVERBROOK ESTATES, ZONING AMENDMENT BYLAW NO. 1878”; or

THAT Second and Third Reading be given to “RIVERBROOK ESTATES, ZONING AMENDMENT BYLAW NO. 1878”

If Council proceeds with bylaw readings, adoption of Bylaw 1878 will be scheduled once a Section 219 Covenant is in place to minimize flood damage potential and agreement is completed to secure 10% affordable housing and offer to purchase conditions. Timing will be determined in consultation with the applicant.

1. Background: Recent Council Decisions

Council adjourned the Public Hearing held on 25 January 2016, to Monday, 9 February 2016 at 7:30 pm in the Council Chambers. This timing allowed Council and the public to receive and review comments from Traffic Committee; and to receive and review information provided by the Administration and the proponent in response to questions asked or issues raised in Council debate. Please see Section 3(2) for Council questions. See Section 4 for public questions, and responses.

On 16 November 2015, Council passed the following resolution:

THAT Council accept the Riverbrook Manufactured Home Park rezoning application for consideration of R6-B zoning and covenant amendment; refer this application to the Advisory Planning Commission; and that staff provide clarification regarding R6-B zoning and the ability of this property for strata titling.

On 14 December 2015, Council passed the following resolution:

THAT "Riverbrook Estates Zoning Amendment Bylaw No. 1878 be given first reading; that Bylaw 1878 be referred to the Advisory Planning Commission, the District of Kitimat Housing Committee, the Ministry of Environment, and the Traffic Committee; that approval to issue public notice that a zoning amendment bylaw is under consideration be granted; and that the Public Hearing be scheduled for 25 January 2016.

On 25 January 2016, Council passed the following motion:

THAT the report on the Riverbrook Estates Zoning Amendment Bylaw be received for information and the recommendations of the Advisory Planning Committee and the Housing Committee be included in an updated bylaw.

Staff note: Zoning regulations are written for “general” application and may govern development at many sites. APC and Housing Committee recommendations are best captured in a site-specific Section 219 Covenant, and Housing Agreement or Right-of-First Refusal. If Council approves Third Reading, bylaw adoption would be scheduled once these documents are prepared.

2. Council Questions of 25 January 2016

Council requested staff reply to questions arising from the Council meeting held on 25 January 2016 and provide supplementary information and responses to public comments received to-date. Council questions and staff responses appear below. See section 4 for public comments.

These responses reflect professional knowledge, and application information provided by Riverbrook Estates Ltd and their consultants. Application details, including consultant’s reports, are included in the public handbook available for review at the municipal office and on-line.

1. Can drainage be addressed at preloading stage to mitigate impacts on adjacent property?

Yes, surface run-off can be directed to existing storm water systems.

2. What are the effects on subsurface ground water from preloading the site?

Consulting firm, Tetra Tech EBA, provided additional information to the applicant regarding preloading. Excerpt from letter received on 5 February 2016 included below.

While the preloading process will consolidate and reduce the permeability of the fine grained soils, the preload will have no discernable effect on the density or permeability of the coarse-grained soils. Based on the presence of continuous, high permeability coarse-grained soil layers, and considering the limited preloading area, it is our opinion that the preload will not affect the local groundwater elevation.

3. Offer to purchase to tenants of the two existing manufactured home parks?

During a presentation to Council on 14 December 2015, Mr. L. Kerkhoff of Riverbrook Estates Ltd., expressed willingness to work with Administration to complete this arrangement. A housing agreement or other contract may be required.

4. Do MOE/MFLRNO comments address flooding potential of Kitimat River and Sumgas Creek?

Avoiding a flood hazard or minimizing risk by constructing a building above the specified flood construction level (FCL) is a preferred flood protection measure (*Flood Protection Strategies in British Columbia*, The Arlington Group and EBA for The Real Estate Foundation of British Columbia, November 2010). Current floodplain mapping considers all known (1979) sources of flood potential. Map updates to address climate change may be required, but major FCL changes are not expected.

Current site plan shows the Riverbrook development site is 30m from Sumgas Creek. Grading and drainage plans will be required at time of subdivision, and a Section 219 Covenant will require floor elevations be a minimum of 0.6m above the crown of the adjacent municipal road. Mr. Kerkhoff may present further elevation information at the Public Hearing.

5. How does Strata Ownership compare to Fee Simple ownership?

Zoning regulates land use. Form of ownership—or tenure—in most cases is outside the regulatory scope of local government. The strata-titled townhouses at 185 Konigus Street, rental apartments at 730 Kuldo Boulevard, and strata-titled rental apartments on Banyay Avenue are all located on land in the R3-A Multi-family Zone.

Riverbrook Estates was initially introduced as a manufactured home park with a single fee-simple owner; the same ownership model as Vista Village and Kitimat Trailer Park. Following discussion with Council, the Advisory Planning Commission, Administration and community residents, Riverbrook Estates decided that strata-title parcels would be a better option for future park residents and the community. This change reflects local government development advice.

The table below provides comment on three forms of property ownership. Any approach could be used for a subdivision of all or predominately manufactured homes. Strata ownership is becoming more common. Fee simple ownership is rare.

	Strata	Manufactured Home Park (MHP)	Fee Simple
Who Makes Decisions?	Strata Council	Owner of MHP	Individual lot owner or home owner
Who Installs Utilities?	Developer	Developer	Developer
Who Maintains Infrastructure?	Strata Council / Contractor	Owner of MHP / Contractor	DOK
Who Clears Snow?	as above	as above	as above
Who makes Decisions about Redevelopment?	Strata Members (vote)	Owner of MHP	Individual lot owner or home owner
Is Tenure Secure?	Yes: lots and homes are owned individually; major decisions are collective (vote)	Uncertain: MHP owner controls land; each home owner rents space for a dwelling	Yes: lots and homes are owned individually
Amenities	Likely	Possible	None
Long-term Appearance	Determined by Strata	Variable, depends on MHP regulations and enforcement	Variable

In summary, strata-titled developments incur the cost of maintaining private roads and infrastructure, but provide a strong degree of tenure security. Strata Councils make decisions based on strata constitution and member's votes (as applicable). A strata project or MHP may also offer peace of mind, as snow clearing, lawn mowing and other exterior maintenance work may be handled by the Strata Council or MHP owner.

3. Staff Comments

Community Planning & Development staff referred the application internally to Fire, Building, and Engineering for comment. Discussions and comments are summarized below. Engineering comment, Section C, was updated after the Council meeting of 25 January 2016.

a. Fire

Fire Chief Bossence requested and reviewed a fire hydrant plan for the site of the proposed development. Upon review, it was determined the distances between hydrants and adjacent properties are reasonable and meet the *BC Building Code*.

b. Building

Upon review of the soil investigation, the Building Inspector deemed that the findings were in line with the *BC Building Code*. An engineering report will be required at time of Building Permit application to ensure foundations will meet safety requirements.

c. Engineering

Engineering earlier requested clarification that the proposed development is included in phase 3 of the earlier Draft Traffic Impact Study (TIS) as well as a servicing review to ensure there is capacity within the sanitary sewer collection system. Regarding the TIS, it was reviewed by the Traffic Committee and a summary and comments were provided by separate report in the 1 February 2016 agenda package. Review of Kuldo Lift Station records indicate that there is spare capacity at this time for the development but this will depend on the timing of this and other proposed developments in this catchment area. Further investigations and reports will be required during subdivision servicing review including existing gravity collection works downstream of the connection point(s).

4. Comments Received, Frequently Asked Questions (FAQs) and Answers

a. Public Comment

Community Planning & Development staff received three written comments regarding the proposed zoning amendment and draft bylaw. Comments are attached. Staff responses to issues raised have been added to each letter. FAQs are listed and answered below.

1. Will removing trees result in increased flooding?

Tree roots absorb water from the soil, making soil drier and able to absorb more rain during storm events. Under current zoning (G5- Forestry), timber harvesting is a permitted use.

Site development will require grading and installation of infrastructure to manage storm water. These changes should provide a long-term solution to handling surface water associated with storm events.

2. Is there a link between mould and flooding?

Damp places may have mould. Mould abatement is beyond the scope of local government and is the responsibility of property owners. Abatement Guidelines are available online and can be addressed by hiring a professional to conduct an assessment onsite.

3. Will Riverbrook Estates make it harder for me to sell my house?

Future housing market conditions are difficult to predict. Many factors influence any purchase decision; including, but not limited to size, style, price, location, view, condition, neighbourhood amenities, and colour. Some buyers want a detached home on a fee-simple lot; others may prefer a manufactured home or a strata-title development. It is best to offer housing choices that appeal to people of different household size and at varying stages of life.

4. Will these new manufactured homes be affordable?

Mr. Kerkhoff has indicated Riverbrook homes may range from \$150,000 - \$200,000 depending on the model and size of home. A person with a 10% down payment, and income of \$50,000 annually would be eligible for a mortgage of \$180,000. This would result in a monthly mortgage payment of \$975, and be affordable for an individual earning \$27.50/hour and working 35 hours per week.

5. What will be the traffic impacts?

The Traffic Impact Study indicates an increase in traffic that can be adequately supported by area roads. Below is a table summarizing findings from the Traffic Impact Study. Note: Study assumed 125 dwellings in Phase 3; Riverbrook Estates has 70.

	Peak Hour Volume (7:15-9:15am and 4:00-7:00pm)	
	AM	PM
Phase 3: MHP	60	71
All Phases (max build out)	164	192

Mr. Kerkhoff held a Public Information Meeting on 19 January 2016 at Riverlodge Recreation Centre. Seven residents attended the meeting; three in favour, three opposed and one neutral. Residents who were in favour or felt neutral regarding the application indicated this manufactured home park would be a good addition to the neighbourhood, liked the proposed landscaping and new trails, and suspected this development could potentially alleviate the effect on the community should housing prices rise. Residents against the application at the meeting expressed concern regarding increased traffic and a potential increase in flooding. Staff note, see Section 4 (b) (iii) for Ministry of Environment comment on flood potential.

b. Agency Referral

Application and supplementary information was referred to four organizations as directed by Council. Organizations included: Kitimat Advisory Planning Commission, District of Kitimat Housing Committee, Traffic Committee, and Ministry of Environment.

i. District of Kitimat Housing Committee

Leonard Kerkhoff of Riverbrook Estates Ltd. provided an overview of the rezoning application during the Housing Committee meeting on 15 December 2015. Members discussed the estimated cost to purchase a strata lot in the development and were seeking a more affordable housing option for those wishing to relocate from existing manufactured home parks. Solutions for the current tenants of the existing manufactured home parks were discussed with Mr. Kerkhoff, who indicated this is something that Riverbrook Estates is willing to look into with District staff. The following motions were carried:

THAT Council support Riverbrook Estates zoning amendment application with consideration of incorporating a condition of 10% affordable housing as defined by the Canadian Mortgage and Housing Commission (CMHC) be included in the development.

THAT the Housing Committee, in dialogue with Leonard Kerkhoff, propose an offer to purchase be extended to current tenants of existing manufactured home parks prior to Mr. Kerkhoff selling lots to other interested parties.

ii. Kitimat Advisory Planning Commission

Kitimat Advisory Planning Commission discussed proposed development application during APC meeting held on 24 November 2015. The following motion was carried:

THAT Council approve zoning application to allow for the development of a 70-unit manufactured home park, as presented.

Subsequently, the APC reviewed the draft bylaw referred by Council at the meeting held on 12 January 2016. The following motions were carried:

THAT the Commission recommend Kitimat Council adopt 'Riverbrook Estates Zoning Amendment Bylaw No. 1878' with condition that floors of all buildings and structures be 0.6m or more above the crown of the adjacent municipal road;

AND THAT the No Build Covenant and [sic] be replaced with a covenant establishing minimum floor height no less than 0.6m above the crown of the adjacent municipal road.

iii. Ministry of Environment

The Ministry of Environment referred the application to the Ministry of Forests, Lands, and Natural Resource Operations – Water Stewardship. Comments received are attached. Senior Flood Hazard Officer, Lyle Larsen, noted that should the development occur, Flood Construction Level and setbacks as defined in the *Flood Hazard Area Land Use Management Guideline (Guidelines)* should be taken into consideration. Upon review of the *Guidelines*, staff note that the proposed development meets the setbacks from natural boundary of the Kitimat River and is 3.0m above the natural boundary. *Guideline* compliance is confirmed.

iv. Traffic Committee

The Traffic Committee met on 27 January 2016 to discuss the proposed development. In summary, members noted that should this development be approved, traffic impacts should be monitored—on-street parking in particular—and further discussion take place to identify mitigation measures if impacts result. Potential solutions include: widening Nadina and Liard Streets or implementing a no on-street parking policy. The Traffic Committee concluded that traffic generation to and from the development can be adequately accommodated by the proposed access locations; however, pedestrian safety and road width were areas of concern.

c. Applicant's Comments

During the Public Hearing held on 1 February 2016, the Applicant submitted responses to questions posed by Council at the previous meeting held on 25 January 2016. The e-mail from the applicant was read into record and his responses are provided below. Additional comments from Municipal Engineer are provided in (4).

1. What are the effects on subsurface ground water from preloading the site? Where will it go?
The geotechnical engineer has confirmed that pre-loading has little to no bearing on subsurface water (i.e., water table levels). This view is also supported by Tim Gleig. Water table levels are governed by rain water, river levels, and tides.
2. Offer to purchase to tenants of the two existing manufactured home parks?
This can be developed through agreements registered on title, as a condition for issuing Subdivision, DP, BP, etc.
3. Can drainage issues be addressed during the preloading phase to mitigate impacts on adjacent neighbors?
Pre-loading may or may not be required for manufactured homes. If required, a drainage plan can definitely be incorporated prior to placement of any further pre-loads at Riverbrook. Additionally, measures can be taken upon the arrival of Spring [2016] to ensure that surface water does not drain toward neighboring properties.
4. MoE/MFLRNO comments only address river and not the creek. Have those setbacks been taken into consideration?
Current site plan shows the property being 30.00m from Sumgas Creek. The Site Survey shows a spike in elevation along Sumgas Creek from ~8.8m to ~12m and then slopes down to ~9m on the site. We are hoping to see what the elevational difference will be from the creek to the site and if there is a greater risk of flooding from that side.

Water levels of Sumgas Creek have been monitored for nearly a year to determine the seasonal fluctuations. See attached table[s]. The developed area would be re-graded/filled to somewhere in the order of 10.00m or higher, while the creek just reaches 9.09meters. These details are engineering details that are sorted out as part of servicing agreements, etc.

Municipal Engineer's response:

Random water surface elevations taken over a 9 month period are not statistically significant in predicting design storm flows in this area. Several areas in Kildala Neighbourhood, including the Liard area, were subject to local flooding in the 1980's. During a municipal survey and investigation of the problem areas the water surface elevations in the Kildala Drainage Channel (since named Sumgas Creek) just east of the proposed re-zoning were recorded at 9.5 metres. Groundwater elevations in excess of 10 metres were also recorded in the Park area behind Liard Street. After studying the problem and modelling for various return period storms permission was granted to undertake excavation to remove accumulated siltation from Sumgas Creek to reduce the design flood level. However, as this work was undertaken over 20 years ago project development should be based on design road elevations not less than the existing Nadina Street elevation unless further study demonstrates a lower elevation will not result in local flooding.

Summary

Site is currently zoned G5 – Forestry, and a no-build covenant prohibits construction. Proposal is for a manufactured home park of up to 70 homes. R6-A Zone allows individual lots. Strata ownership is possible but not required. Strata ownership is, in this case however, preferred by the developer and the District of Kitimat. A Strata Corporation, not the municipality, would own and maintain on-site water and sewer systems, roads and greenspace areas. Development of a Manufactured Home Park would also require municipal support to amend an existing “no build” covenant. The Administration proposes the existing covenant be replaced by a Section 219 Covenant governing construction, including a minimum Flood Construction Level (FCL) to minimize flood damage potential.

Administration recommends uniform flood covenant conditions apply to this site and adjacent lands and that there be cost recovery of legal and Land Title office fees to replace the existing covenant. Kerkhoff Construction Ltd. has agreed to take on the aforementioned costs should this application be approved. An agreement can be prepared to ensure 10% or seven units are “affordable” and tenants of existing manufactured home parks receive advance notice of opportunity to purchase.

Budget Implication: Amendment of zoning and covenant is likely to increase assessed value

Treasurer Initials

Council Initiative: **3. Community Planning must be disciplined with a long-term view**
 • **Diversity in housing is important to our community**

OCP Initiative: **Maximize Liveability - housing diversity**

Submitted by:
Gwendolyn Sewell, MCIP, RPP
Director of Community Planning & Development

Approved for Submission
Warren Waychesen, Chief Administrative Officer

GJS, MW/

Encl: Public comments and DOK staff responses
 Ministry of Environment comments and responses
 Riverbrook Estates, Zoning Amendment Bylaw No. 1878

Tables: Water Level Monitoring
 Site Survey

Connie Gibson, 60-185 Konigus Street

31 December 2015

Statement: Please do not allow the removal of anymore trees down here.

[Permitted uses in current zone:](#)

- [Agriculture](#)
- [Forestry, including harvesting, tree planting and portable sawmills](#)
- [Detached Residents with not more than two dwelling units](#)

Statement: The increase of flooding in our basements following the rezoning and subsequent removal of trees allowed last year has overwhelmed us at times and it's made it very hard to bear.

[The property owner may remove trees under current designation. Flood mitigation measures may be reviewed at time of subdivision while drainage is being further investigated.](#)

[Geotechnical Engineer advising Kerkhoff Consultation indicated increase in flooding cannot be attributed to Riverbrook development.](#)

Statement: It has also removed our ability to market and sell our units. The increase in mold in our basements is compromising our health and that of our children.

[Real estate is influenced by the market. Mold is handled by property owner\(s\), whom are made aware of the probability of flooding at time of purchase.](#)

Jim & Wanda Wright, 103 Liard Street

8 January 2016

Transcription of Letter:

To Mayor & Council
270 City Centre

Dear Sir,

Re – Riverbrook Estates wanting to rezone on this property for a 70-unit home park.

Can you imagine the nightmare this would cause for these three streets. This being a big concern to us living in this part of town. We hope you make the right decision for us here.

Ray Hepting

18 January 2016

1. **Building on a known flood plane and saying it is acceptable for people to build there is ok because there will also be others loosing everything at the same time in the event of the dyke breaking, just doesn't seem right somehow. With the weather around the world doing drastic things this proposal should be approached with caution.**

Reports are required to have qualified professionals comment on the conditions that would mitigate flood damage to the proposed development (e.g., soil investigations, geotechnical reports, engineering studies).

2. **The place is a swamp. What happens when posts are put down to hold the trailers up and there is an earthquake. Will the footings sink?**

Kitimat is considered to be in a Low Seismic Region according to our Climatic Data, we typically see two types of foundation systems: (1) strip footing and foundation walls – this is primarily used when the minimum required bearing pressure of 75kpa (1500lbs/sq ft) is achieved; the bearing pressure would be established by a Geotechnical Engineer who has analysed the soils specific to the site, or (2) engineered slab-on-grade- this type of foundation will act as more of a floating foundation systems; commonly used when required bearing pressure cannot be achieved or in high water table areas. Both options are considered permanent foundation systems and are designed with allowance for seismic activity.

Further, the BCBC requires that all manufactured homes comply with *CAN/CSA Z240 Factory Built Building (Including Mobile Homes)*. Within this standard, specific requirements are to be met (and further to the satisfaction of the *Authority Having Jurisdiction*) including: site preparation, foundation for single and multiple section single-storey units, anchorage, connection of multiple-section units, and skirting.

3. **There is an enormous amount of dust from the dyke road and mosquitoes because of the water in the area.**

The Dyke is maintained by the District to reduce the amount of dust. This is not in the scope of the development and may be dealt with by increasing resources to mitigate dust.

4. **The cost is way past what I could pay. Someone with just short of tradesmen wages could possibly handle it.**

At the Council Meeting held on 14 December 2015, Mr. Kerkhoff indicated that an estimated cost of \$150,000 to \$200,000 for the strata lot and unit.

- a. Using Envision Financial Mortgage Calculator, staff found the following:

Salary	\$50,000
Down payment (10%)	\$18,000
Mortgage Amount*	\$179,000
Monthly Mortgage Payment	\$975

*assumptions: amortization period of 25 years, mortgage term 10 years variable, interest rate 5%

- b. Average income of individuals in Kitimat in 2010: \$44,316, and
Average household income in Kitimat in 2010: \$79,913 (Stats Can)

5. **It is a poor investment. When the housing rush is over it will be a loosing situation.**

It is not in the scope of Council to decide if a project is a poor investment for a developer.

6. **This development would add great many more vehicles coming down Haisla Blvd and turning down Kuldo. The traffic in the last big rush was getting very annoying especially the ones with the noisy mufflers.**

A Traffic Impact Study was conducted. In the Traffic Engineer's opinion, forecasted traffic volume is not considered significant.

Resident of Ochwe came into DOK office at ~ 3:15 PM,

25 January 2016

General feelings toward the application: Opposed

Rationale:

- Was told several years ago by a Councillor that the DOK does not have the right to change land use from forestry
 - DOK clarified the false statement—local governments have the right to divide portions of the municipality into zones and regulate permitted land uses within zones
- A large portion of the MHP has standing water in it during high precipitation months
 - Professional reports are required to prove that the land is suitable for development. Environmental Report, Soil Investigation and Site Survey have been submitted to date. Further reports will be required at time of subdivision application and building permit.
- Concern that the developer is just changing the zoning with plans to sell (land lift/up-zoning) and that this will add to vacant lot scenario with everyone waiting for a decision that may not come
 - Adoption of proposed bylaw may be delayed until building permit and development permit application are received. Proposed (current) timeline for completion of construction of all three proposed phases is 2023.

Hello Morganne,

Thank you for your referral noted below.

It is my understanding that a covenant modification is proposed for block 210 on Dike Road in Kitimat. The existing covenant prescribes floodproofing conditions for that portion of the subject lot zoned as R1-B, and a no-build clause for the portion zoned G5.

Firstly, since 2003/2004 Local municipal governments no longer require consent of a provincial ministry (in this case Water Resources Service, now known as Water Stewardship) to amend or modify floodproofing covenants. Local governments have that authority to prescribe conditions and modify the subject covenants even though Water Resources is named on the covenant. A link is noted below for your reference regarding the legislative changes.

http://www.env.gov.bc.ca/wsd/public_safety/flood/fhm-2012/landuse_prov_legs.html

It would be prudent though, to register conditions of covenant G07441 (covenant modification) prescribed for R1-B to the rest of the lot (presently zoned G5), if the District approves further subdivision development in the area zoned G5.

[It is the intention of Administration to recommend that the conditions of covenant G07441 prescribed for R1-B be applied via covenant modification to the rest of the lot.](#)

However, as the area zoned G5 has a "no build" covenant registered to it; that tells me without looking at the site, there must have been a hazard associated with the area. An engineering study must be conducted to identify any problems/hazards to determine whether or not the site is safe to develop. I note that you indicate a soil investigation and an environment assessment has been carried out. These reports should provide a flood analyses (surface and groundwater) and clear recommendations with respect to the development potential of the subject part of the lot (zoned G5).

[DOK Building Inspector has indicated an engineering study will be requested at time of building permit application. Recommendations in soil investigation can be found in report \(page 2 – 5\).](#)

Secondly, regarding building setbacks from dikes; As per Section 3.6 *Areas Protected by Standard Dikes* in the *Flood Hazard Area Land Use Management Guidelines*, buildings should be setback 7.5 metres from any dike structure. This setback is prescribed to accommodate any dike improvement, additional right-of-way requirements or an increase in the dike footprint should the structure need to be raised.

[Current site plan shows a 22.0m setback.](#)

Lastly,

I note that floodplain mapping exists for the District. Are buildings being constructed according to the Flood Construction Level (FCL) as per the mapping (also refer to Section 3.6 – *FCL - Areas Protected by Standard Dikes* in the *Flood Hazard Area Land Use Management Guidelines* regarding the FCL)?

[The proposed development exceeds the guidelines in both Flood Construction Level and setback from natural boundary of the river.](#)

Comments Received from MFLNRO
11 January 2016

If you have any questions, don't hesitate to give me a call.

Regards,

Lyle Larsen
Deputy Inspector of Dikes
Senior Flood Hazard Officer
Water Stewardship
Omineca-Peace-Skeena Regions
FLNR

DISTRICT OF KITIMAT

BYLAW NO. 1878

A BYLAW TO AMEND THE KITIMAT ZONING MAP AND THE *KITIMAT MUNICIPAL CODE* WITH RESPECT TO LAND USES PERMITTED

WHEREAS the *BC Local Government Act* allows a local government to divide portions of the municipality into zones and regulate permitted land uses within zones;

AND WHEREAS Kitimat Council deems it is in the public interest to amend zoning governing a portion of 167 Konigus St with respect to R6-A Zone boundaries to include these lands in the R6-A Manufactured Home on Individual Lot, and to amend the *Kitimat Municipal Code* with respect to conditions of development in the R6-A Manufactured Home on Individual Lot, Part 9 of the *Kitimat Municipal Code*;

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

1. This bylaw may be cited as 'RIVERBROOK ESTATES, ZONING AMENDMENT BYLAW NO. 1878, 2015'
2. Part 9 – PLANNING, Division 1 – General, Subdivision 1 – Interpretation amended to include:
"Small Home" means any detached residence of 25 to 100 square metres.
3. Part 9 - PLANNING, Division 4 - Residential Zoning, Subdivision 15 – R6-A Manufactured Home or Small Home amended to read as follows:

Subdivision 15 - R6-A Special Residential Zone

9.4.15. Permitted Uses

1. a. Single Family Residence
- b. Home Business Address
- c. Home Occupation
- d. The keeping of not more than two lodgers in each dwelling unit
- e. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:
 - a. one manufactured home or detached dwelling having no more than one dwelling unit;
 - b. accessory buildings and structures.
3. Lot or Strata Lot Area (Minimum): 272 square metres.
4. Lot Frontage (Minimum): 10.25 metres.
5. Lot Coverage (Maximum): 40%.
6. Height of Building (Maximum): 5 metres.
7. Front Yard (Minimum): 6.5 metres.
8. Side Yard (Minimum): 1.8 metres.
9. Rear Yard (Minimum): 5.5 metres.

Subdivision 15 - R6-A Special Residential Zone (Continued)

9.4.15. Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking (Minimum)

11. Two parking spaces are required for each manufactured home or detached dwelling, one of which must have unrestricted access to a highway.
12. Each parking space shall be 3.5 metres in width and 6.5 metres in length.

Access

13. Each access shall be paved if the abutting street is paved.
14. No more than one access up to 7.5 metres wide per lot.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13

Signs: See Part 9, Division 3.

3. The zoning maps of the District of Kitimat are hereby amended by deleting those portions of the following lands labelled 'R6-A', generally as shown on Bylaw Map No. 1878, attached as Schedule 'A' which forms part of this bylaw, from the G5 – Forestry Zone and placing them in the R6-A Residential Zone –Manufactured Home or Small Home.

Parcel Identifier: 006-652-701

Block 210 District Lots 6019, 6023, 6020, and 6024 Range 5 Coast District Plan 8918

4. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this 14 day of December, 2015.

READ a second time this day of, 2016.

A PUBLIC HEARING was held this day of, 2016.

READ a third time and passed this day of, 2016.

FINALLY ADOPTED this day of, 2016.

MAYOR

Philip Germuth

CORPORATE OFFICER

Debbie Godfrey

Schedule A: Riverbrook Estates, Zoning Amendment Bylaw No. 1878, 2015



Water Level Monitoring

TBM Elevation:		10.78			
Date	Time	Measurement	Elevation (KVD)	Weekly Difference	Overall Change
Apr-29	10:00	1.94	8.84	-	-
May-12	8:45	1.91	8.87	0.03	0.03
May-20	9:00	1.90	8.88	0.01	0.04
May-28	9:45	1.87	8.91	0.03	0.07
Jun-06	8:45	1.90	8.88	-0.03	0.04
Jun-13	9:20	1.90	8.88	0.00	0.04
Jun-20	8:45	1.82	8.96	0.08	0.12
Jul-07	9:45	1.89	8.89	-0.07	0.05
Oct-28	9:30	1.75	9.03	0.14	0.19
Nov-12	9:45	1.85	8.93	-0.10	0.09
Nov-26	13:00	1.86	8.92	-0.01	0.08
Dec-12	11:00	1.69	9.09	0.17	0.25



All distances are in metres and decimals thereof.

The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:1000.

- LEGEND**
- denotes catchbasin
 - denotes drain manhole and rim elevation
 - denotes culvert
 - denotes sewer manhole and rim elevation
 - denotes water valve
 - denotes hydrant
 - denotes anchor pole
 - denotes pole anchor
 - denotes streetlight davit
 - denotes sign
 - denotes approximate test pit location from February 7, 2014 survey
 - denotes profile captured on February 7, 2014 survey
 - denotes edge of water
 - denotes top of bank
 - denotes bottom of bank
 - denotes edge of pavement
 - denotes non-mountable curb
 - denotes edge of gravel
 - denotes center line of road
 - x 5.21 denotes spot elevation
 - x 5.21 denotes spot elevation - January 12, 2015
 - x 5.21 denotes spot elevation - January 30, 2015

NOTE: Block 210, Plan 8918 occupied by forest and/or stockpiles of felled trees at time of field work. Survey limited to open areas and points beyond where sight lines were available.

Lot boundaries shown hereon are derived from ties to existing survey evidence and Land Title Office records. Lot Boundaries are approximate and subject to change upon legal survey. Unregistered interests have not been included or considered.

Elevations are to geodetic datum, derived from District of Kitimat geodetic control monument 02H2487. Published Elevation = 8.326 m.

Vertical data has been shifted +3.390 metres to match District of Kitimat Vertical Datum information (provided by the DoK).

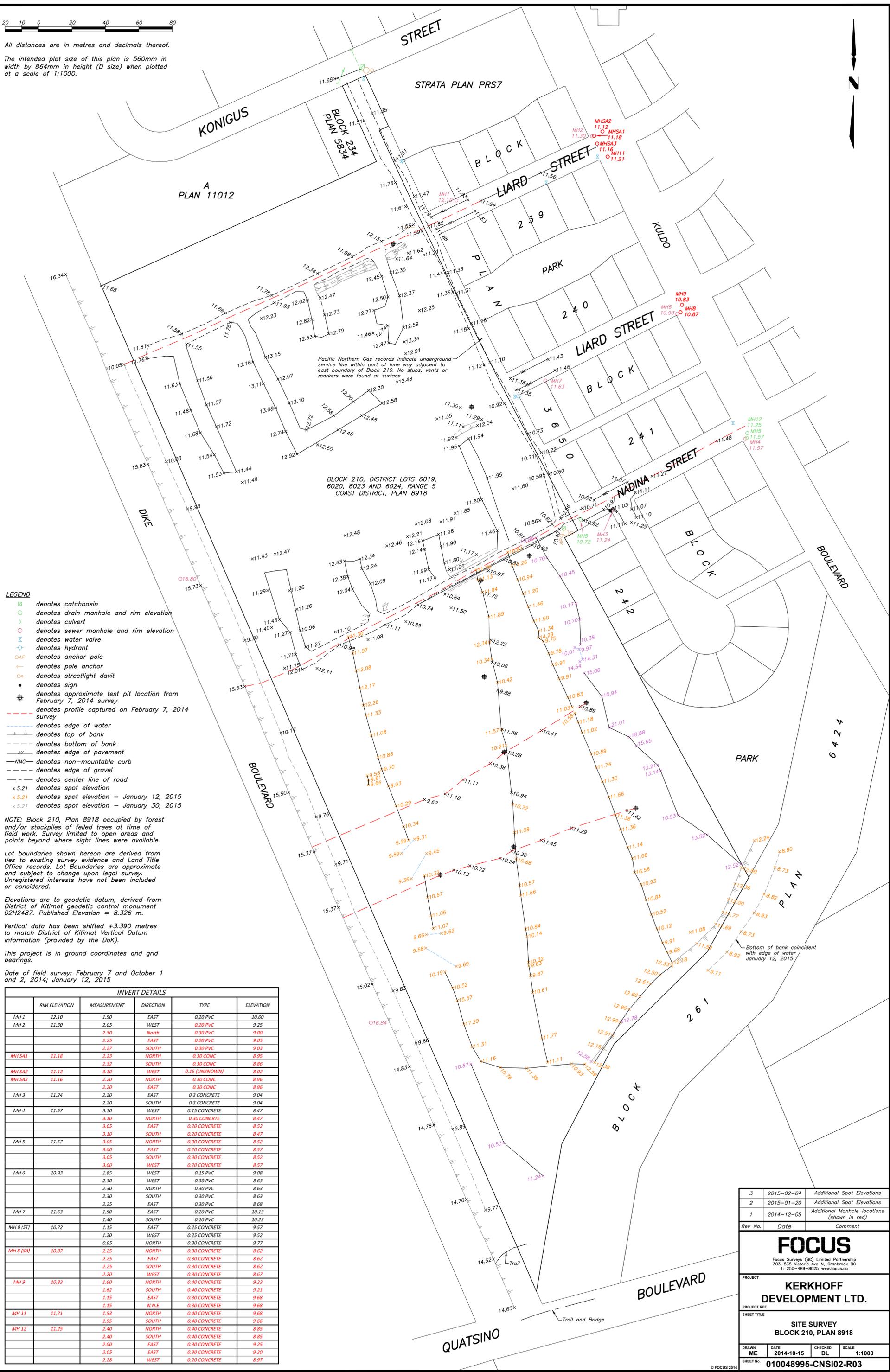
This project is in ground coordinates and grid bearings.

Date of field survey: February 7 and October 1 and 2, 2014; January 12, 2015

INVERT DETAILS					
	RIM ELEVATION	MEASUREMENT	DIRECTION	TYPE	ELEVATION
MH 1	12.10	1.50	EAST	0.20 PVC	10.60
MH 2	11.30	2.05	WEST	0.20 PVC	9.25
		2.30	North	0.30 PVC	9.00
		2.25	EAST	0.20 PVC	9.05
		2.27	SOUTH	0.30 PVC	9.03
MH SA1	11.18	2.23	NORTH	0.30 CONC	8.95
		2.32	SOUTH	0.30 CONC	8.86
MH SA2	11.12	3.10	WEST	0.15 (UNKNOWN)	8.02
		2.20	NORTH	0.30 CONC	8.96
MH SA3	11.16	2.20	EAST	0.30 CONC	8.96
		2.20	SOUTH	0.30 CONC	8.96
MH 3	11.24	2.20	EAST	0.3 CONCRETE	9.04
		2.20	SOUTH	0.3 CONCRETE	9.04
MH 4	11.57	3.10	WEST	0.15 CONCRETE	8.47
		3.10	NORTH	0.30 CONCRETE	8.47
		3.05	EAST	0.20 CONCRETE	8.52
		3.10	SOUTH	0.20 CONCRETE	8.47
MH 5	11.57	3.05	NORTH	0.30 CONCRETE	8.52
		3.00	EAST	0.20 CONCRETE	8.57
		3.05	SOUTH	0.30 CONCRETE	8.52
		3.00	WEST	0.20 CONCRETE	8.57
MH 6	10.93	1.85	WEST	0.15 PVC	9.08
		2.30	WEST	0.30 PVC	8.63
		2.30	NORTH	0.30 PVC	8.63
		2.30	SOUTH	0.30 PVC	8.63
MH 7	11.63	2.25	EAST	0.30 PVC	8.68
		1.50	EAST	0.20 PVC	10.13
		1.40	SOUTH	0.10 PVC	10.23
		1.15	EAST	0.25 CONCRETE	9.57
MH 8 (ST)	10.72	1.20	WEST	0.25 CONCRETE	9.52
		0.95	NORTH	0.30 CONCRETE	9.77
		2.25	NORTH	0.30 CONCRETE	8.62
MH 8 (SA)	10.87	2.25	EAST	0.30 CONCRETE	8.62
		2.25	SOUTH	0.30 CONCRETE	8.62
		2.20	WEST	0.30 CONCRETE	8.67
		1.60	NORTH	0.40 CONCRETE	9.23
MH 9	10.83	1.62	SOUTH	0.40 CONCRETE	9.21
		1.15	EAST	0.30 CONCRETE	9.68
		1.15	N.N.E	0.30 CONCRETE	9.68
		1.53	NORTH	0.40 CONCRETE	9.68
MH 11	11.21	1.55	SOUTH	0.40 CONCRETE	9.66
		2.40	NORTH	0.40 CONCRETE	8.85
MH 12	11.25	2.40	SOUTH	0.40 CONCRETE	8.85
		2.00	EAST	0.30 CONCRETE	9.25
		2.05	EAST	0.30 CONCRETE	9.20
		2.28	WEST	0.20 CONCRETE	8.97

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3	2015-02-04	Additional Spot Elevations
2	2015-01-20	Additional Spot Elevations
1	2014-12-05	Additional Manhole Locations (shown in red)
Rev No.	Date	Comment
FOCUS		
Focus Surveys (BC) Limited Partnership 303-535 Victoria Ave N, Cranbrook BC T: 250-489-8025 www.focus.ca		
KERKHOFF DEVELOPMENT LTD.		
PROJECT REF: SITE SURVEY BLOCK 210, PLAN 8918		
DRAWN	DATE	CHECKED
ME	2014-10-15	DL
SHEET No.	SCALE	
010048995-CNSI02-R03	1:1000	