



November 4, 2021

Our File No. 3360 20 144
Bylaw No. 759, 2021

NOTICE OF PUBLIC HEARING

Dear Sir/Madam:

Notice is hereby given that an electronic/telephone Public Hearing will be held on Wednesday, November 17, 2021, via Microsoft Teams, commencing at 6:00 pm to receive representation from all persons who deem their interests in property to be affected by the proposed bylaw:

Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 759, 2021

In general terms, the purpose of the proposed zoning amendment bylaw is to amend the South Hazelton Zoning Bylaw No. 326 to rezone a property described as a portion of Lot A, District Lot 699, Cassiar District, Plan 1444A from Hobby Farm (Ru2) to a new Residential Cluster (RMC) zone. The subject property is located at **1775 Aldous Street**. The purpose of the rezoning is to allow the construction of up to six small, detached dwellings ancillary to the existing detached principal dwelling/caretaker residence. The intent of the proposed zone is to allow, in a rural setting, one single detached residence with ancillary affordable rental units on a property, while maintaining the neighbourhood character and preserving a large portion of the property as green/open space for use as an amenity area and for preservation of the natural environment.

It is requested that all submissions be in writing and addressed to:

Public Hearing Committee (Bylaw No. 759, 2021)
Regional District of Kitimat-Stikine
#300-4545 Lazelle Avenue
Terrace B.C. V8G 4E1

Public Hearing Details:

Any person(s) wishing to provide input regarding this application are requested to do so in writing to the Regional District Board via email at planning@rdks.bc.ca or by letter, mailed or delivered to 300-4545 Lazelle Avenue, Terrace, B.C., V8G 4E1 no later than 4:30 p.m., Tuesday, November 16, 2021, and please quote "Bylaw No. 759, 2021", in your written submission. If you wish to provide verbal representation in the Public Hearing, please email planning@rdks.bc.ca or call the Development Services Department at 250-615-6100, no later than 4:30 p.m., Tuesday, November 16, 2021.

The Public Hearing on Zoning Amendment Bylaw 759, 2021, will be held by Directors Paranich, Lowry and Sterritt or their designated alternates as members of the Regional District Board. A copy of the Board resolution making the delegation, the application, and the proposed Bylaw 759, 2021 may be inspected between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding holidays, in the office of the Regional District of Kitimat-Stikine, 300 - 4545 Lazelle Avenue, Terrace, B.C. For enquiries concerning this application, contact the Development Services department at 250-615-6100, 1-800-663-3208 (toll free), or planning@rdks.bc.ca.

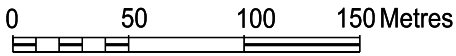
NOTE: Site drawing is on the back of this page



AREA SUBJECT TO REZONING



Portion of Lot A, District Lot 699
Cassiar District, Plan 1444A



Regional District of Kitimat-Stikine
Suite 300
4545 Lazelle Avenue
Terrace, B.C.
V8G 4E1

This map is Schedule "A" of the "Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 759, 2021"

Chairperson

Chief Administrative Officer

Date of Adoption

Folio 788 13429.000
PID 015-688-658
Amends Bylaw No. 326

Schedule G1

Application/File No. 144

Regional District of Kitimat-Stikine
Application for Zoning Amendment

I/We hereby make application to (Check appropriate box):

- Amend the text of Zoning Bylaw No. 326 (fill out Proposed Text on page 2)
- Rezone the below listed property: From Rv2 Zone, to Cluster Development Zone

1. Property Information (for property rezoning applications only):

- a. Legal Description: Lot A, DL 699, Cassiar District, Plan 1444A
- b. PID No.: 015-600-658 c. Roll / Folio No.: 78813429000
- d. Location (Street address of property, or general description) 1775 Aldous St, South Hazelton

2. Applicant (complete for both text amendment and rezoning applications):

Applicant's Name: Allnorth Land Surveyors (Agent)
 Address: 4445 Greig Ave, Terrace Postal Code: V8G 1M4
 Telephone: Business: 778 505 2143 Home: _____
 _____ David Hardwick _____ May 21, 2021
 Applicant's Signature Date

3. Registered Property Owner (for property rezoning applications only):

Registered Property Owner's Name: Tammy MacKenzie
 Address: 1775 Aldous St, S. Hazelton Postal Code V0J 2J1
 Telephone: Business: _____ Home: _____

This application is made with my full knowledge and consent.

Tammy MacKenzie _____ June 1, 2021
 Property Owner's Signature Date

****Where the Rezoning Applicant is NOT the REGISTERED OWNER, the application must be signed by the REGISTERED OWNER or his/her solicitor.****

Notice of Collection of Personal Information:
 The information collected on this form will be used to process the application and for the purposes of administration and enforcement. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the Regional District of Kitimat-Stikine. Information submitted may be made available for public inspection pursuant to the Freedom of Information and *Protection of Privacy Act*. Contact the Regional District of Kitimat-Stikine's Freedom of Information Officer if you have any questions regarding the use of this information.

4. **Proof of Ownership** (for property rezoning only): ✓

A copy of a State of Title Certificate or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application must accompany the application as proof of ownership.

Proof of Ownership received

5. **Application Fee:** previously paid

An Application Fee of _____ as set out in the *REGIONAL DISTRICT OF KITIMAT-STIKINE DEVELOPMENT APPROVAL AND NOTIFICATION PROCEDURES BYLAW NO. 613, 2012*, shall accompany the application and be made payable to the: **Regional District of Kitimat-Stikine**.

6. **Proposed Text Amendment** (for text amendment applications only):

Describe text Amendment: _____

7. **Subject Property Description** (for property rezoning applications only):

a. Present zoning of the property: iR02

b. Proposed zoning of the property: Cluster Development

c. Located in ALR: YES _____ NO X

d. Size of Property (number of parcels and area of each): 4.05 ha

e. Description of existing use / development on the property: Residential, with two additional cabins

f. Description of proposed use / development (use separate sheet if necessary): _____

Proposing existing home and six cabins total, providing small homes (max size TBD) for rental purposes, in cluster-format in order to provide much-needed housing while maintaining maximum green/open space without the need to operate a Bare Land Strata.

g. Services currently existing or readily available to the property (check those that apply):

Services	Currently Existing		Readily Available *	
	Yes	No	Yes	No
Road Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Supply: on-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Supply: community	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal: on-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal: community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydro Power	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: * Readily Available means existing services can easily be extended to the subject property.

- h. Proposed Water Supply Method: Community water distributed to individual cabins via V/G water line
- i. Proposed Sewage Disposal Method: individual type-1 septic fields
- j. Anticipated start date of proposed project: immediately

8. Reasons in Support of the Application: (why application should be approved)

- 1) This will remedy current non-conformance.
- 2) This will address a notable shortage of decent, reasonably-priced rental units in the Hazeltons. This zoning is perfectly suited to deal with this problem head-on.
- 3) see attached letter (email) from ROWP, indicating the site is suitable for the proposed development.

Attach separate sheet if necessary

9. Attachments:

The following information is required before the permit may be processed:

- a. A Sketch Plan with dimensions, drawn to a scale of _____ to _____ showing, the parcel(s) to be rezoned and the location of existing buildings, structures, property access, utilities and on-site sewage disposal systems, etc.

REQUIRED: YES NO

- b. A Site Development Plan with dimensions, drawn to a scale of _____ to _____ showing, the proposed use, buildings/structures and access.

REQUIRED: YES NO

- c. A Contour Map (plan) drawn to a scale of _____ to _____ with contour intervals of _____, of the subject site.

REQUIRED: YES NO

- d. A Sketch Plan with dimensions, drawn to a scale of _____ to _____ of the proposed subdivision, where subdivision (small or large) is contemplated.

REQUIRED: YES NO

- e. Technical information or reports and other information required to assist in the preparation of a Regional District staff reports are listed below:

Specific Reports:

Confirmation from ROWP - septic (attached)
Drainage study report

****IN ORDER TO BE CONSIDERED AT THE NEXT REGIONAL DISTRICT BOARD MEETING ALL APPLICATIONS MUST BE COMPLETED IN FULL AND SUBMITTED AT LEAST 15 DAYS PRIOR TO THE NEXT SCHEDULED BOARD MEETING.****

For Office Use Only:		
Application Fee: \$ <input checked="" type="checkbox"/>	Received: <input checked="" type="checkbox"/>	Receipt No.: _____
<u>July 6, 2021</u> Date	<u>[Signature]</u> Signature of Official	

From: [Kirk Giguere](#)
To: [David Hardwicke](#)
Subject: Tammy McKenzie's property
Date: July 5, 2021 8:40:24 AM

[REDACTED]
[REDACTED]
Attention: Dave Hardwicke

Re: Tammy McKenzie
Cluster Development,
Lot A, District lot 699
Cassiar District plan 1444A

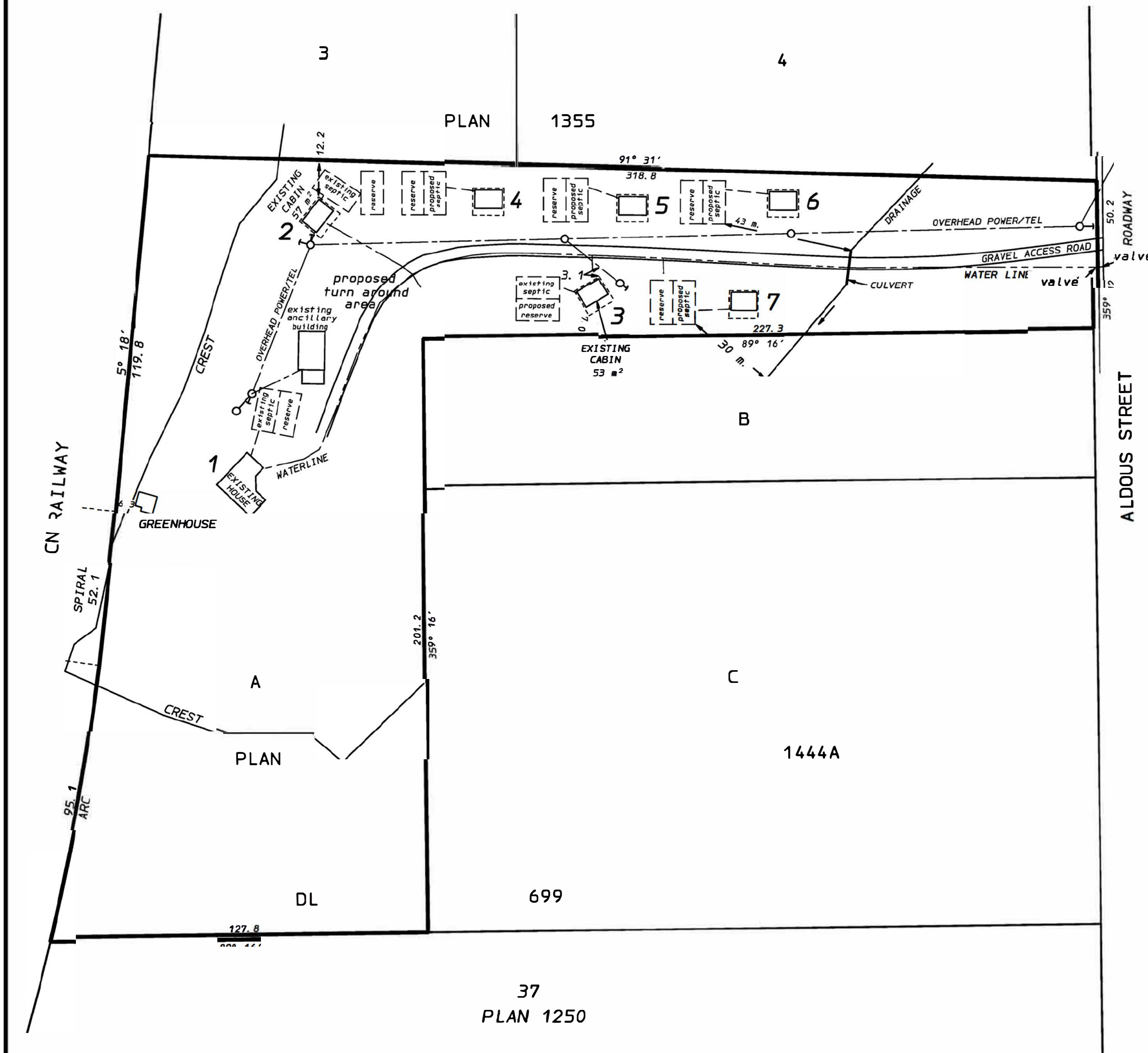
After digging test pits for septic systems at proposed building sites on the 4 hectare lot, the setbacks and vertical separation can easily be met and therefore gravity fed systems will work well.

Sincerely,

Kirk Giguere
ROWP - OW0753
41111 Telkwa Highroad
Smithers, BC
V0J2N1

[250-847-5685](tel:250-847-5685)
[250-847-1132](tel:250-847-1132) (cell)
kirkgiguere@gmail.com

PLAN TO ACCOMPANY REZONING APPLICATION
FROM: RU2 TO: CLUSTER DEVELOPMENT



PLAN SHOWING PROPOSED
CLUSTER DEVELOPMENT OF
LOT A, DISTRICT LOT 699,
CASSIAR DISTRICT, PLAN 1444A.

SCALE 1: 1250

0 10 20 30 40 50 100 METRES

THE INTENDED PLOT SIZE OF THIS DRAWING IS 559mm WIDE BY 432mm HIGH (ANSI C) WHEN PLOTTED AT A SCALE OF 1: 1250.

OFFSETS SHOWN TO BOUNDARIES ARE FROM EAVES/NEAREST STRUCTURE.

PROPERTY BOUNDARIES ARE APPROXIMATE ONLY, SUBJECT TO LEGAL SURVEY.

⊙ DENOTES POWER POLE AND ANCHOR

SEPTIC FIELDS TO MEET 3 m. PROPERTY LINE SETBACK AND 30 m. WATERCOURSE SETBACK.

PROPOSED UNITS 4 TO 7 ARE SHOWN AT 57 m², WITH 110 m PER SEPTIC FIELD.
PROPOSED UNITS ARE INTENDED FOR MAX. OCCUPANCY OF 2 PERSONS.



BYLAW NO. 759

A bylaw to amend the "Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Bylaw No. 326, 1992".

The Board of the Regional District of Kitimat-Stikine, in open meeting assembled, enacts as follows:

1. Title:

This Bylaw may be cited as "Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 759, 2021".

2. Amendments:

(1) The Regional District of Kitimat-Stikine South Hazelton Zoning Bylaw No. 326, 1992 cited as "Regional District of Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Bylaw No. 326, 1992" is hereby amended as follows:

(a) By adding the following to Part 1, Subsection 1.4, 'Definitions',

"CLUSTER RESIDENTIAL DWELLING" means a detached, non-stratified Dwelling Unit ancillary to a Single Detached Residence on a property in the Residential Cluster (RMC) zone, and does not include a Mobile Home.

"SHORT-TERM RENTALS" means the rental of an entire Dwelling Unit, or a room within a Dwelling Unit, for less than a month.

(b) By adding the following zone to Part 6:

6.3 RMC (RESIDENTIAL CLUSTER) ZONE

A. Description

The intent of the Residential Cluster Zone is to allow, in a rural setting, one Single Detached Residence with ancillary affordable rental units on a property, while maintaining the neighbourhood character and preserving a large portion of the property as green/open space for use as an amenity area and for preservation of the natural environment.

B. Use

(1) Permitted Uses:

The use of land, buildings and structures in the RMC Zone is restricted to the following and no other uses:

- (a) One Single Detached Residence as a caretaker dwelling
- (b) Cluster Residential Dwellings
- (c) Home Occupations
- (d) Tot lots, Playgrounds, Parks and Open Spaces
- (e) Agricultural Uses
- (f) Buildings and structures ancillary to residential and agricultural uses



(2) Regulation of Use:

- (a) Land, buildings, and structures in the RMC Zone shall not be used for on-site retailing of goods and services to the general public.
- (b) Cluster Residential Dwellings shall be located on the same lot as the caretaker dwelling.
- (c) Short-term Rentals of Cluster Residential Dwellings shall not be permitted.
- (d) Home Occupations are not permitted in Cluster Residential Dwellings.
- (e) Home Occupations shall be wholly contained within the caretaker dwelling or ancillary buildings or structures associated with the caretaker dwelling.
- (f) The property owner/caretaker shall be responsible of ensuring that the Cluster Residential Dwellings and adjacent common areas are kept in an organized manner.

C. Subdivision

(1) Parcel Size:

In the RMC Zone, land shall not be subdivided to a parcel size less than 4.0 hectares.

(2) Frontage:

In the RMC Zone, the frontage for each parcel to be created by subdivision shall be no less than 15% of its perimeter.

D. Site Development

(1) Site Area:

In the RMC zone, the minimum site area shall be 4 hectares.

(2) Density:

- (a) Single Detached Residence – Maximum one per lot.
- (b) Cluster Residential Dwelling – Maximum one per 0.6 hectares, to a maximum of 12.

(3) Site Coverage:

In the RMC Zone, the site coverage shall not exceed 25% of the site area.

(4) Dwelling Separation:

In the RMC Zone, there shall be a minimum distance of 6 meters between Cluster Residential Dwellings or their appurtenances.

(5) Setbacks:

In the RMC Zone, no building or structure or part thereof, except a fence, shall be located within the following setback from a site line:

	<u>Dwelling Unit</u>	<u>Ancillary Structure or Building</u>
Front Yard	7.6 meters	7.6 meters
Rear Yard	7.6 meters	7.6 meters
Side Yard	6 meters	6 meters



(6) Height:

In the RMC Zone,

- (a) No caretaker residence shall exceed 10 meters in height.
- (b) No Cluster Residential Dwellings shall exceed 7 meters in height.
- (c) No ancillary structures or buildings shall exceed 4 meters in height.

(7) Floor Area:

- (a) Cluster Residential Dwellings shall not exceed 75 square meters in total floor area.
- (b) Ancillary structures and buildings other than those associated with an agricultural use, shall not exceed 50 square meters in total floor area.
- (c) All Dwelling Units shall conform to Building and Fire Code requirements.

(2) The land described as that Portion of Lot A, District Lot 699, Cassiar District, Plan 1444A, as outlined on the attached Schedule A, shall be rezoned from the Hobby Farm (Ru2) Zone to the Residential Cluster (RMC) Zone.

(3) This Bylaw shall take effect, come into force and be binding upon all persons as from the date of adoption.

READ a first time this _____ day of _____, 2021.

READ a second time this _____ day of _____, 2021.

A Public Hearing with respect to this bylaw was held on the _____ day of _____, 2021.

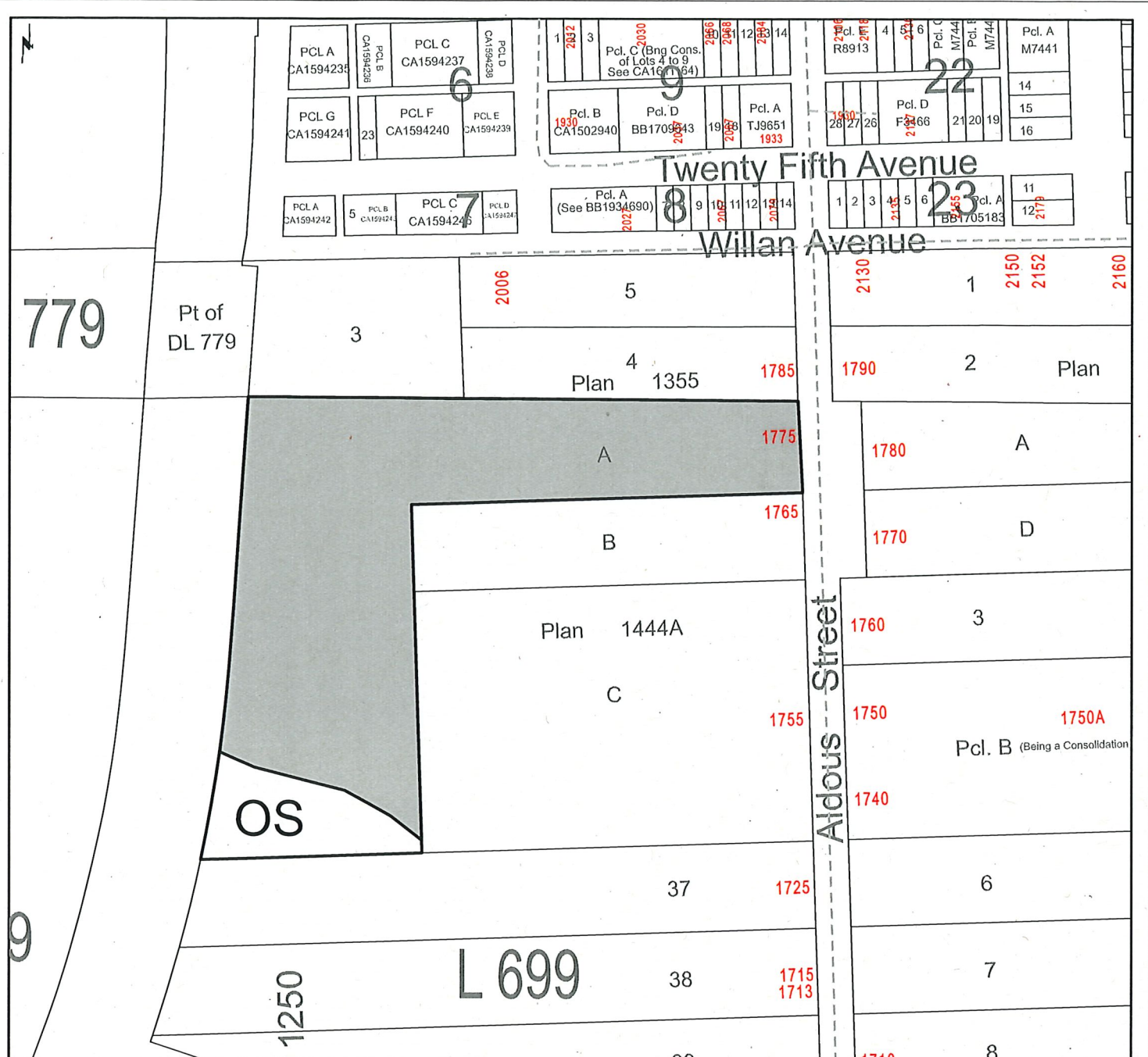
READ a third time this _____ day of _____, 2021.

APPROVED pursuant to the Transportation Act on the _____ day of _____, 202x.

ADOPTED this _____ day of _____, 202x.

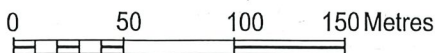
Chair

Chief Administrative Officer



AREA SUBJECT TO REZONING

Portion of Lot A, District Lot 699
Cassiar District, Plan 1444A



Regional District of Kitimat-Stikine
Suite 300
4545 Lazelle Avenue
Terrace, B.C.
V8G 4E1


This map is Schedule "A" of the "Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 759, 2021"

Chairperson

Chief Administrative Officer

Date of Adoption

Folio 788 13429.000
PID 015-688-658
Amends Bylaw No. 326

 Regional District of Kitimat-Stikine		POLICY AND PROCEDURE MANUAL	
Category: Development Services	Number:	POLICY GUIDELINE FOR REZONING APPLICATIONS FOR THE RESIDENTIAL CLUSTER (RMC) ZONE	
Type:	Authority:	Approved By:	
<input checked="" type="checkbox"/> Policy <input type="checkbox"/> Procedure	<input checked="" type="checkbox"/> Board <input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Board <input type="checkbox"/> Chief Administrative Officer <input type="checkbox"/> Department Head	
Office of Primary Responsibility: Development Services			
Date Adopted:	Board Resolution No: R-2021	Date to be Reviewed:	
Manner Issued: Email, Pipeline			

PURPOSE:

The intent of the Residential Cluster (RMC) Zone is to allow, in a rural setting, one single detached residence with ancillary affordable rental dwelling units on a property, while maintaining the neighbourhood character and preserving a large portion of the property as green/open space for use as an amenity area and for preservation of the natural environment.

POLICY OBJECTIVES:

The Regional District establishes this policy to:

- a) Guide the consideration of rezoning applications to the RMC Zone, ensuring consistency with applicable plans and policies and compliance with existing bylaws and regulations.
- b) Encourage the provision of diverse, high quality, affordable, purpose-built rental housing options in the region to address the shortage of such housing as identified in the Upper Skeena Housing Needs Report.
- c) Promote the use of conservation design principles to maximize the amount of green/open space on a property in conjunction with a residential cluster development, protecting and preserving the natural environment and maintaining the rural character of neighbourhoods.

POLICY SCOPE:

The Regional District of Kitimat-Stikine will apply this policy in evaluating all rezoning applications to the RMC Zone. The policy does not apply to private land where there is no zoning in place and the land is designated as Agricultural Land Reserve and under the jurisdiction of the Provincial Agricultural Land Commission. Where a residential cluster development is being proposed on crown land in an area where there is no zoning in place, these policies will form the basis of Regional District response to the crown land referral.

SITING:

In order to preserve the rural character of neighbourhoods, a residential cluster development should be some distance away from the abutting road right-of-way, and adequately screened by vegetation or other natural features. It is recognized that there may be special circumstances whereby the architectural merits of the development warrant an exception.

QUALITY OF DEVELOPMENT:

1. Safety and Servicing:

Dwelling units shall be:

- a) Built according to the B.C. Building and Fire Codes.
- b) Placed on permanent foundations.
- c) Connected to sewer and water services. Where there is no community water or sewer services in the vicinity of a proposed development, the property owner/applicant shall provide a report from a qualified professional addressing how the cluster residential dwellings will be adequately serviced. Applicants shall provide evidence of applications to appropriate agencies for potable water supply and septic disposal.

2. Site Design:

- a) Siting of proposed dwelling units must reflect conservation design principles, respect the site context, and minimize disturbance of natural areas and features.
- b) All portions of the site not covered by buildings, structures or paved areas must be landscaped or left in a natural state.
- c) Stormwater must be managed on site.
- d) Sight lines between dwellings in the proposed development and existing dwellings on adjacent properties must be minimized to the extent possible.
- e) Any waste collection or diversion bins must be accessible to all dwellings and screened by means of an enclosure structure, fencing or landscape plantings or a combination thereof.

3. Building Design:

- a) The form and character of the proposed dwellings needs to respect the surrounding context, including consideration of the design of existing buildings on the subject property, adjacent properties, and the broader community.
- b) Design of the dwelling units must be of high quality to provide safe, secure, durable, and attractive housing options.
- c) Sustainable design practices, such as passive design and other energy efficiency strategies are encouraged where possible.

INFORMATION REQUIRED:

To accompany the rezoning application, the information provided should be sufficient to evaluate and give due consideration to the development proposal. This information shall include, but not be limited to the following:

- a) A site plan, drawn to scale, showing the property, the location of all existing and proposed buildings and structures, road access and parking, water supply and sewage disposal, utility lines, drainage, natural and amenity areas, and sensitive environmental or hazardous features (if any). Floor plans and elevation drawings of proposed buildings, or suitable representative photographs or other visuals in lieu of drawings are also required.
- b) Where the property is not connected to a community sewer system, a report from a Registered Onsite Wastewater Practitioner (ROWP) shall be provided.
- c) Where the property is not connected to a community water system, a report from a qualified professional shall be provided.
- d) Applications shall be accompanied by a report from a qualified professional describing how stormwater will be managed on site.

COMMERCIAL OR SHORT-TERM RENTAL ACCOMMODATION:

The RMC Zone should not be used as a pretext for commercial or short-term rental accommodations. The intent of the zone is to provide for secure, longer-term, purpose-built rental accommodations to meet the local need for such housing as evidenced by the Upper Skeena Housing Needs Report.

RELATED BYLAWS:

South Hazelton Zoning Bylaw No. 326, 1992.

***** END OF POLICY *****

RECORD OF AMENDMENTS/REVIEW

<u>Policy #</u>	<u>Date Adopted</u>	<u>Date Reviewed</u>	<u>Amended (Y/N)</u>	<u>Date Reissued</u>	<u>Authority (Resolution #)</u>

Rezoning Application No. 144, 2021 - 1775 Aldous Street, South Hazelton (Electoral Area B)

R190-2021

MOVED/SECONDED that the report from Planner, dated September 27, 2021 regarding Rezoning Application No. 144, 2021 - 1775 Aldous Street, South Hazelton, be received and 1. That under the Bylaw section of the Agenda, give two readings to Kitimat-Stikine Specified Portion of Electoral Area B, South Hazelton Zoning Amendment Bylaw No. 759, 2021; 2. That the Public Hearing be set for 6:00 pm, Wednesday, November 17, 2021, to be held virtually over Microsoft Teams; 3. That the Board appoint Directors Paranich, Sterritt and Lowry to the Public Hearing Committee; and 4. That the Board approve Cluster Residential Zone Policy upon adoption of South Hazelton Zoning Amendment Bylaw No. 759, 2021.

Carried.