



# Board Report

**Date of Report:** April 11, 2025  
**Date & Type of Meeting:** April 17, 2025 Board Meeting  
**Author:** Zachari Giacomazzo, Planner  
**Subject:** LAND USE BYLAW AMENDMENT  
**File:** Z2410F – Spearhead  
**Electoral Area/Municipality** F

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to provide the Board with an overview of the consultation process for this Land Use Bylaw Amendment Application and seek Board direction for further consideration and consultation in accordance with the RDCK's Official Community Plan Consultation Policy (Policy #400-02-19) and the requirements of the Local Government Act.

Staff also recommend that the Board provide direction to staff to schedule another public hearing due to additional information provided by the Interior Health Authority specific to this application.

## SECTION 2: BACKGROUND/ANALYSIS

### GENERAL INFORMATION

**Applicant:** Spearhead

**Property Owners:** 1472719 BC LTD and 596324 BC LTD

**Location of Properties:** 4612 and 4614-4616 Starlight Road, and 4643 Highway 3A, 12 Mile, Electoral Area 'F'

**Legal Descriptions:**

4612 Starlight Road, LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228)

4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567)

4643 Highway 3A, LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559)

**Property Sizes:**

4612 Starlight Road – 0.53 ha

4614-4616 Starlight Road – 0.68 ha

4643 Highway 3A – 0.81 ha

**Current Zoning:** Country Residential (R2) in Zoning Bylaw No. 1675, 2004

**Current Official Community Plan Designation:** Country Residential (CR) in Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011

### SURROUNDING LAND USES

**North:** Residential

**East:** Industrial

**South:** Residential

**West:** Residential

### **Site Context**

The subject property is located approximately 15 km northeast of the City of Nelson in a predominantly Rural Residential Area with a mix of existing commercial (e.g. self-storage facility, Crescent Beach Resort) and industrial (e.g. existing Spearhead facility) land uses. The subject lands are 3 existing residential lots that are west of the existing Spearhead wood product manufacturing business, south of Crescent View Road and directly north of Highway 3A. Access to the subject lands would be from Highway 3A.

### **Land Use Bylaw Amendments Proposed**

The purpose of this Land Use Bylaw Amendment application is to authorize the construction of a large industrial building with an approximate footprint of 5,965 m<sup>2</sup>. The building would consist of a 1 storey workshop and an attached 3 storey office and child care facility. The large workshop would allow the applicant to manufacture glue-laminated wood products (glulam) on site.

Phase 1 of the proposal would involve the consolidation of the 3 existing lots and the construction of the 1 storey workshop. Phase 2 would involve the 3 storey office with space dedicated for a child care facility on the west side of the workshop and a supplemental expansion to the workshop on the east side of the building. See Figure 3 for a Site Plan which shows the proposed building footprint of Phase 2 of the proposal. The full-size site plan drawings are also included as Attachment 'E' to this report.

In accordance with the applicant's proposal, the proposed CD Zone (Attachment "B") was drafted in anticipation of consolidation of the 3 lots and therefore consolidation should either be undertaken before consideration of final adoption or made a condition of approval and secured by S.219 Covenant.

In the event that the Board supports the proposed Land Use Bylaw Amendment a Commercial, Industrial, and High Density Residential Development Permit (CIHDRDP) application would be required in order for RDCK staff to review the proposed landscaping, screening, parking, building design, and site layout details. The development permit would need to be issued prior to the issuance of a building permit for the proposed workshop/office building.



Figure 1 - Location Map

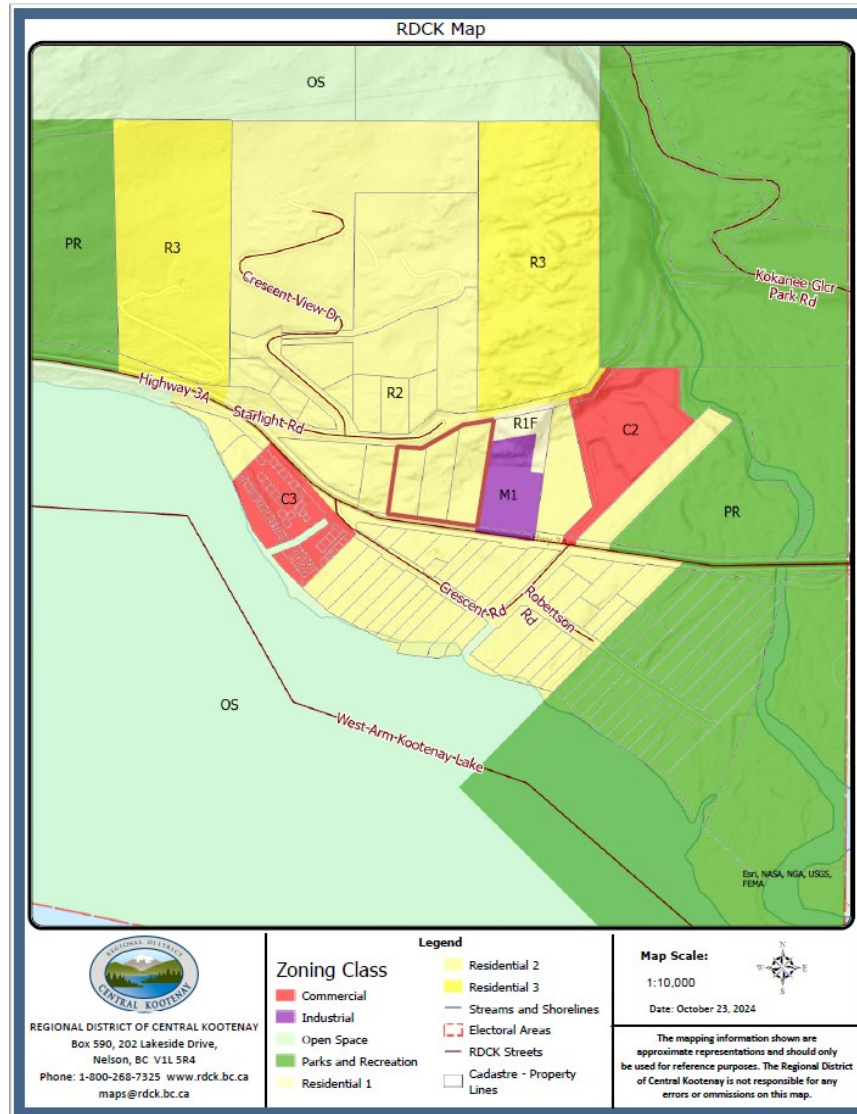


Figure 2 – Current zoning Map

## Background

At the December 12, 2024 Regular Open meeting the Regional Board resolved to give first and second readings to the proposed OCP (3002) and Zoning (3003) amendment Bylaws, and referred these Bylaws to a public hearing, delegating the authority to chair the public hearing to Director Newell. As part of the resolution to complete first and second readings (resolutions 709/24 and 710/24), the Board also required the applicant to provide 5 supporting studies and reports to address comments from external agencies and concerns from the public (resolution 711/24). The 5 supporting studies that were required are:

- Archaeological assessment prepared by a consulting Archaeologist;
- On-site wastewater assessment prepared by a qualified professional (e.g. ROWP or P.Eng);
- Groundwater impact assessment prepared by a Hydro-geotechnical Engineer or other qualified professional;
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure;

- Noise Study prepared by a qualified professional.

A public hearing was held on January 9, 2025, and the applicant submitted the 5 above-mentioned reports to the RDCK on January 20<sup>th</sup>. On January 28<sup>th</sup> the public hearing was re-convened and the 5 supporting studies were discussed. A subsequent public hearing was held on March 13<sup>th</sup> due to new information (a revised aquifer assessment from Active Earth) being provided. In addition, staff received a separate aquifer assessment prepared by McElhanney one day before the March 13<sup>th</sup> Public Hearing.

A detailed summary of the previous public hearings is not being presented in this report because at this time staff are not making a recommendation that the Board complete third reading or that no further action be taken regarding this application. Rather, staff are recommending that the Board direct staff to hold another public hearing to consider further referral comments that have been provided by Interior Health Authority and to further implement consultation and other statutory requirements.

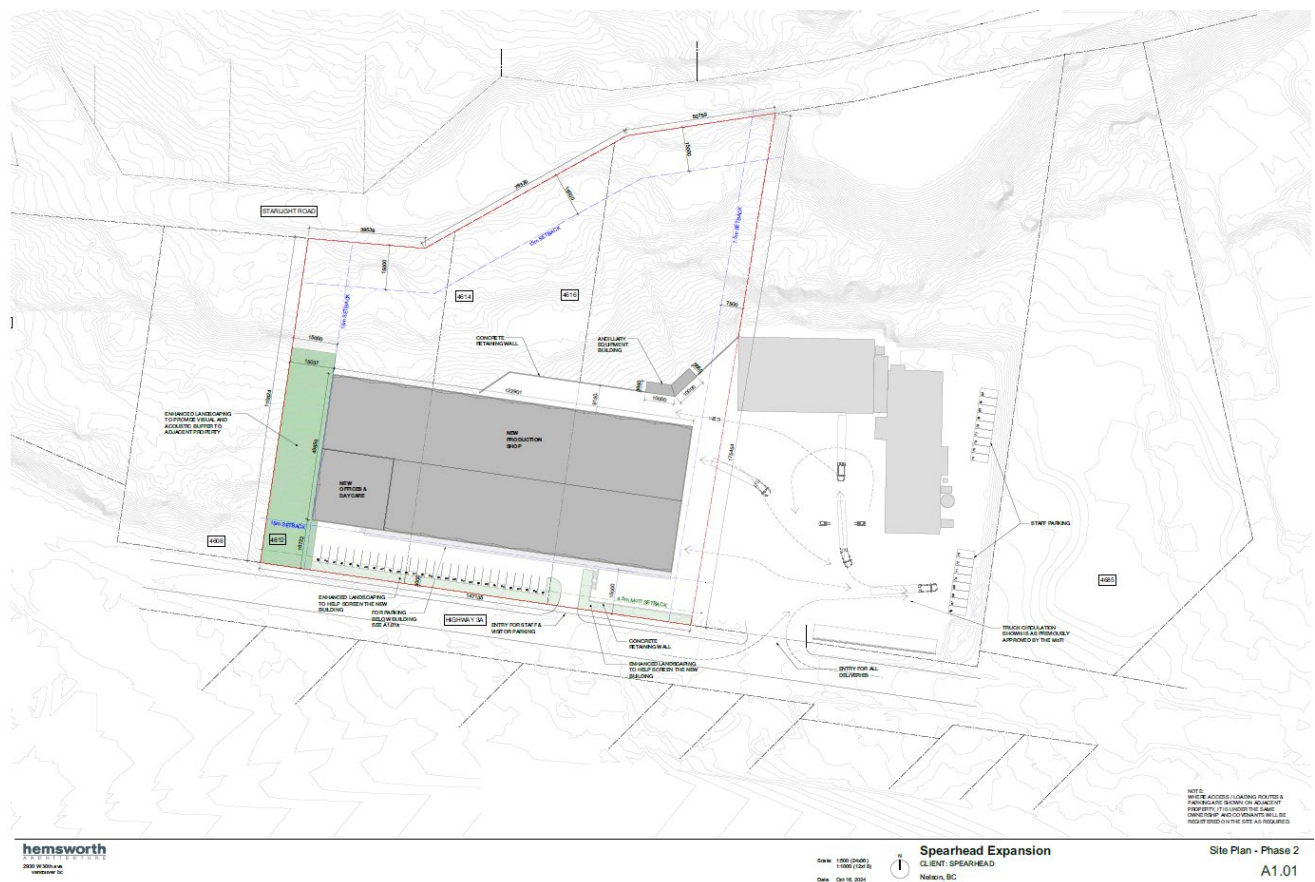


Figure 3 - Site Plan showing the proposed development (note: full size site plan is included as Attachment 'C')



Figure 4 – View from Highway 3A of the approximate location where the proposed building would be constructed.

## **Planning Policy**

### **5.0 VISION AND GUIDING PRINCIPLES**

#### **5.1 Regional Vision**

Our underlying goal is that our pristine natural environment and spirited communities provide a peaceful home, balanced economy, and wild recreation experiences for all Kootenay residents and visitors.

#### **5.2 Community Vision**

We envision a caring and relaxed rural community that is sustained through creativity, diversity, and collaboration. It is characterized by welcoming neighborhoods and a sense of individual belonging. This vision reflects the broad views and collective voice of the residents of Electoral Area 'F'.

Among aspects of our sustainable future addressed are policies and regulations that reflect a commitment to:

- PRESERVATION OF COMMUNITY HERITAGE AND CHARACTER,
- MANAGEMENT OF GROWTH AND DEVELOPMENT,
- STEWARDSHIP OF NATURAL RESOURCES THROUGH CONSERVATION AND PUBLIC EDUCATION,
- MAINTAINING THE RURAL CHARACTER,
- MANAGING AND ENHANCING COMMUNITY SERVICES & FACILITIES,
- FOSTERING SUPPORT FOR A VITAL ECONOMY.

### **6.0 BROAD GOALS**

#### **6.1 Social**

.3 Ensure future development and growth are compatible with community values (e.g. scenic vistas, green space, privacy, quality of life, low population density, rural ambiance)

## **6.2 Economic**

- .1 Ensure an orderly level of growth to protect the “rural sense of community”, and to ensure that growth does not result in large tax increases
- .2 Maintain slow managed growth that fosters the agricultural and small business character of Area ‘F’, and support for agri-tourism
- .3 Promote the area’s unique character at the same time as adapting to the business needs as demographics shift

## **6.3 Environmental**

- .1 Protect important and sensitive features of the natural environment
- .5 Protect the quantity and quality of water resources and waterways
- .6 Ensure growth is managed along with the physical nature and natural limitations of the land base

## **8.0 ECONOMIC DEVELOPMENT**

### **8.1 Background**

The current economy of the RDCK is largely based on agriculture and resource-based industries, manufacturing, tourism and hospitality, arts and culture, renewable energies, and health and life sciences. Supporting new and fostering existing businesses in Area F is encouraged.

### **8.2 Objectives**

- .1 Encourages economic growth and maintenance of our area’s unique character through small business.
- .2 Create a strong and sustainable tourism economy within a strong economic mix.
- .3 Attract and maintain the operation of responsible, renewable resource based industries to the region.
- .4 Minimize conflicts between resource based industries and other land uses.

### **8.3 Policies**

#### ***General***

The Regional Board:

- .1 Supports efforts to diversify and strengthen the local economy.
- .2 Continues to support the traditional economic base of the resource sectors, but recognizes and supports the shift towards emerging sustainable resource management opportunities as the new core of the local economy, e.g. tourism, education, value added.
- .3 Supports a business friendly environment through streamlined approval processes, improved fee structure, open and responsive governance, efficient use of taxation resources and timely delivery of services.
- .4 Recognizes the jurisdiction of the Province over public Crown land.
- .5 Promotes growth and expansion of value added forestry, fishing and agriculture.
- .6 Encourages the development of high-speed internet in the region.
- .7 Supports enforcement of the Noise and Unsightly Premises Bylaws.

## **9.0 FOOD, ADGRICULTURE & RURAL LAND**

### **9.2 Objectives**

- .4 Retain and enhance the natural character of rural / country residential areas.

#### ***Industrial***

### The Regional Board:

.30 Shall protect the industrial land base to promote a diversified local economy, healthy tax base and stable, well paid labour force.

.31 Encourages future industrial areas to be located with consideration of the existing and intended uses adjacent to the area and the associated impacts so as to ensure they are context sensitive and harmonize with adjacent land uses. Screening and buffering are required to mitigate land use impacts.

.32 Supports the development of a light industrial sector, including clean/green, technological, sustainable industries and renewable energy opportunities.

## 11.0 RESIDENTIAL LANDS AND HOUSING

### 11.2 Objectives

.4 Protect the existing quality of life and character of existing neighbourhoods.

## SECTION 3: DETAILED ANALYSIS

### 3.1 Financial Considerations – Cost and Resource Allocations:

|                             |                                                                     |                                  |                                                                     |
|-----------------------------|---------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------------|
| Included in Financial Plan: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Financial Plan Amendment:        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Debt Bylaw Required:        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Public/Gov't Approvals Required: | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the Zoning Bylaw Amendment Application fee of \$1800 in full.

### Consideration of the RDCK's Financial Plan

It is unlikely that this application will have a significant impact on the RDCK's Financial Plan, however some preliminary things for the Board to consider are changes to overall tax revenue from the subject lands if the proposed zoning and land use designation were to be approved and funds received through the building permit application process. Staff are of the opinion this proposed land use bylaw amendment is consistent with the RDCK's Financial Plan.

### 3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

#### RDCK Planning Procedures and Fees Bylaw No. 2457, 2015

The application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

#### Official Community Plan Consultation, RDCK Policy No. 400-02-19

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an official community plan. A minor amendment to an Official Community Plan is defined as any official community plan amendment application made by the public for a single property or multiple properties functioning as one site. This application meets the definition of a minor amendment to an Official Community Plan since the proposed OCP amendment affects three existing lots that function as one site and would be consolidated if the proposed development is to proceed. Staff have implemented the consultation requirements for a minor amendment and request the Board consider whether they desire additional consultation, or otherwise confirm this was to their satisfaction.

#### Local Government Act

Section 475 of the LGA outlines consultation requirements when a Local Government (the RDCK) is considering amendments to an OCP. The RDCK must provide one or more opportunities in addition to the Public Hearing it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. Staff have provided the opportunities for consultation in a manner that is consistent with the RDCK's OCP Consultation Policy.

### **Consideration of the RDCK's Resource Recovery Plan**

It is not anticipated that this proposed land use bylaw amendment would have an impact on the RDCK's Resource Recovery Plan. General considerations for the operation of the Resource Recovery Department and their operations are: how the materials from the demolition of existing dwellings on the subject lands would be handled/disposed, if there would be substantial waste generated from the construction project, and if the ongoing operation of the business would increase the total volume of waste that ends up in RDCK operated landfills. Staff are of the opinion the proposed land use bylaw amendment is consistent with the RDCK's Resource Recovery Plan.

### **Consideration of the RDCK Housing Needs Report**

The land use bylaw amendment being considered is proposing to rezone and re-designate 3 existing residential lots to expand an existing industrial operation facilitate the development of a large industrial building. RDCK Zoning Bylaw No. 1675 permits a maximum of 2 dwelling units per lot in the R2 zone, therefore the proposed changes provide a cumulative loss of 6 possible residential dwelling units in Electoral Area 'F'. Staff acknowledge the loss of residential lots through this development proposal, however when considering the recent updates to the Zoning Bylaw applicable to Electoral Area 'F' to remove barriers to building more housing in low density residential areas, staff do not anticipate this will affect the ability to meet housing needs over the 20 year timeframe identified by section 473(1)(a) of the Local Government Act.

## **3.3 Environmental Considerations**

Land Use Bylaw Amendment applications that would allow for the establishment of new industrial land uses or the expansion of existing industrial uses need to be carefully considered. Several environmental issues were considered during the review of this application and the goal of Board Resolution 711/24 was to require additional information from qualified professionals prior to further consideration of the application. The specific environmental considerations and how they have been addressed are outlined below:

### **Groundwater Impact**

During the initial referral staff received comments from IHA that indicated the subject lands are within an area that is identified as a moderately vulnerable aquifer (Aquifer 1018) and in close proximity to an aquifer that is considered highly vulnerable (Aquifer 994). Based on this feedback from IHA, staff requested that the applicants have a groundwater impact assessment prepared by a qualified hydro-geotechnical engineer. An assessment was prepared by Active Earth, and subsequently sent to IHA for further review. Revisions were requested by IHA and a revised report was provided to staff. This revised report was then sent back to IHA who confirmed that their previous comments had been addressed and no further information was requested.

The Crescent Beach Community Group (CBCG) commissioned a separate aquifer assessment that was completed by McElhanney Ltd. CBCG submitted this report to IHA and on April 10<sup>th</sup> new comments were provided to the RDCK that identified concerns about the proposed development and deficiencies in the original aquifer assessment prepared by Active Earth. Considering this new information being provided, Staff are recommending that an additional public hearing be held.

### **Wastewater disposal capability**

An on-site wastewater assessment was provided by Highland Consulting Ltd. that confirmed that there is an appropriate area on the lot for a Type 1 disposal system with specific areas dedicated for primary and secondary (back up) septic fields. The Professional Engineer concludes that the proposed design will meet the Sewerage System Regulation and not pose a health hazard.

## **Noise Impacts**

Industrial uses have the potential to generate noise which can impact surrounding areas. This issue can be exacerbated when the subject lands are surrounded by residential lands. A noise study was submitted that provided preliminary recommendations and considerations for the proposed operation, however the consultant acknowledged that without having final design and sound equipment data, they are unable to provide specific measures to reduce the impact of noise that would be generated from the site. If this application is supported by the Board, it is anticipated that the consultant will continue to be involved throughout the review of the development permit application.

Staff are recommending that a new public hearing be held in order to consider the additional information that was provided by IHA since the last public hearing, to further consider the information provided by the public and the McElhanney Report and also to give the applicant an opportunity to provide more information or identify mitigative measures that would be implemented as part of the proposed development to satisfy concerns raised in the McElhanney aquifer assessment, and for the public to consider those.

IHA recommends that "the conclusions (e.g. Section 9 of the McElhanney report) should be addressed, mitigated or resolved, either prior to the application proceeding, or as a condition of the application's approval." Staff note that the Board may, following further Public Hearing and consideration, proceed in either of these manners, or it may approve or defeat the application. Staff intend to further discuss IHA's comments with the applicant, including the option of securing conditions reflected in a S.219 Covenant, and will present such at or in advance of the further Public Hearing. A S.219 Covenant would allow the Board to make a decision on the land use issue, with development details and aquifer protection conditions to be implemented thereafter.

## **3.4 Social Considerations:**

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Upon sending out the original referral for comments, notification of the proposal was delivered to 26 adjacent property owners within 100 metres of the subject lands. Separate notices were subsequently sent out for the respective Public Hearings to property owners and other parties that expressed an interest in the application.

During Staff's review of this proposed Bylaw Amendment and the associated Public Hearings, several concerns were expressed by the surrounding residents and external agencies. These concerns are summarized in the table under Section 3.6 below.

Two public hearings were held, the first of which was held over two separate days (January 9<sup>th</sup> and January 28<sup>th</sup>) and the second Public Hearing held on March 13<sup>th</sup>. As mentioned earlier in this report, a detailed summary of the previous public hearings is not being presented in this report because at this time staff are not making a recommendation that the Board complete third reading or that no further action be taken regarding this application.

## **3.5 Economic Considerations:**

The proposed development represents an opportunity to enhance the local economy by supporting the production of value-added lumber products and creating employment. The value-added lumber products, which include items such as engineered wood products, custom-cut lumber, and finished wood products, offer several economic benefits. An expansion of existing local businesses can be a key driver of positive economic and community outcomes.

### 3.6 Communication Considerations:

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, two 'Notice of Proposal' signs were placed in visible locations on the subject property and adjacent property owner notification was mailed to 26 properties within 100 metres of the subject property.

The following responses were received from external agencies, internal departments and first nations:

| Agency/<br>Department                      | Referral Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>RDCK<br/>Environmental<br/>Services</b> | Thank you for the referral. I have reviewed this referral and the three lots in question are not within our water systems, nor are they in proximity to any [RDCK] intakes or wells. Water Services has no concerns with this proposed amendment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>RDCK Building<br/>Services</b>          | <p>Please see the comments from the Building Department Below.</p> <ol style="list-style-type: none"><li>1. Survey will be required at the time of BP, 3 separate shall be consolidated (a building is not permitted to span across property lines.</li><li>2. BPs will be required for the demolition any existing buildings on the existing lot areas.</li><li>3. Qualified Professional including Geotechnical Letter of Assurance (LOAs) – Schedule B's are required for the projects including a CRP (Coordinating Registered Professional)</li><li>4. Property is located in an area serviced by a volunteer Fire Department – delayed FRT is applicable. BCBC Code Analysis shall comply with all spatial separations requirements with consideration of delayed FRT.</li><li>5. NFPA 1270 – applicable for organization and deployment of Fire suppression operations and special operations to the Public by Volunteer Fire Departments.</li><li>6. Building shall comply to NECB or Part 10 of the BCBC (for portions of applicable occupancy classifications)</li></ol> <p><u>Building Code Compliance:</u></p> <ol style="list-style-type: none"><li>1. Building shall comply with Part 3 of the current BCBC</li><li>2. Fire Department access shall comply with BCBC Article 3.2.5.5.5. Access routes shall be provided to a building so that<ol style="list-style-type: none"><li>b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90 m, and</li><li>c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m</li></ol></li></ol> <p><u>3.2.5.6. Access Route Design</u></p> <ol style="list-style-type: none"><li>1.) A portion of a roadway or yard provided as a required access route for fire department use shall<ol style="list-style-type: none"><li>a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,</li><li>b) have a centre-line radius not less than 12 m,</li><li>c) have an overhead clearance not less than 5 m,</li><li>d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,</li></ol></li></ol> |

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|                                                             | <p>e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,</p> <p>f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and</p> <p>g) be connected with a public thoroughfare. (See Note A-3.2.5.6.(1).)</p> <p>2.) For buildings conforming to Article 3.2.2.50. or 3.2.2.58., no portion of the access route described in Sentence 3.2.2.10.(3) shall be more than 20 m below the uppermost floor level</p> <p>A-3.2.5.6.(1) Fire Department Access Route. The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.</p> <p>The Building Department may request more documentation and clarification after the submission of the Building Permits (prior to issuance), upon review of your applications.</p> |
| <b>RDCK Fire Services</b>                                   | <i>No comments provided.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Ministry of Transportation and Infrastructure (MoTI)</b> | <p>Thank you for the opportunity to comment on this proposal.</p> <p>MoTI accepts the proposed amendment in principle.</p> <p>Highway 3A is a high-volume-high-speed travel corridor and is classified as a controlled access highway. MoTI restricts the number of access points to controlled access highways in order to maintain highway safety and service through these corridors. The applicant should explore the feasibility of using a shared existing access and be prepared to provide justification if they request a new access point. The applicant must apply for an Access to a Controlled Access Highway Permit. If permitted, a new access point must meet MoTI design specifications. Approval of an access permit may be contingent on receiving a report from a licensed traffic engineer and completing any recommendations included in the report. The property(ies) must be able to accommodate all vehicle turning movements and provide suitable off-street parking. All structures related this proposal must be at least 4.5m from the property line fronting Highway 3A.</p>                                                                                                                                                                                                                                  |
| <b>Ktunaxa Nation Council</b>                               | <p>As this property has not been included in an Archaeological Overview Assessment (AOA), KNC would like an AOA to be completed for this project. The AOA report should be completed by a professional consulting archaeologist with local knowledge of the area. Once completed, the report will have arch recommendations to follow.</p> <p><b><i>RDCK Staff Note:</i></b> <i>An Archaeological Overview Assessment was completed by a professional consulting archaeologist and the Assessment was provided to KNC.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>School Board of School District #8</b>                   | <i>Awaiting Comment.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Fortis BC</b>                                            | There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| Nelson Hydro              | No comments provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Interior Health Authority | <p><b>RDCK Staff Note:</b> See Attachment "D" for supplemental comments received on January 31<sup>st</sup> which are related to the revised Groundwater Impact Assessment from Active Earth that was received by the RDCK on January 30<sup>th</sup>, and additional IHA comments received April 10<sup>th</sup> following consideration of the McElhanney Aquifer Assessment.</p> <p><b>Original comments (dated November 27, 2024):</b></p> <p>Thank you for the opportunity to provide comments for consideration regarding the above referenced application. It is our understanding purpose of the proposed land use bylaw amendment application is to rezone the subject lands from Country Residential (R2) to Comprehensive Development (CD) and amend the land use designation from Country Residential (CR) to Comprehensive Development (CD) in order to authorize the expansion of the existing wood product manufacturing business. We also understand that this property is currently serviced by onsite drinking water (e.g. a well) and wastewater disposal (sewerage system).</p> <p>Please note that this referral has been reviewed from Healthy Community Development and Environmental Public Health perspective, and the following comments are offered in consideration of both phases (1 and 2) of the proposed development for your consideration. Based on the current application and information provided by the Regional District of Central Kootenay, we do have some concerns with this proposal. Our rationale is provided below.</p> <p>Community Planning, Density and Services</p> <p><a href="#">Healthy Built Environment (HBE)</a> is a term used to describe community environments which population health research has demonstrated are linked to improved health outcomes at the population level. From this perspective, it is important that workplaces be relatively close to where people live so that fewer resources are used for transportation (lowering living costs), and people have the opportunity to be more physically active and social. This supports reduced chronic diseases, increased mental health and overall well-being. Best practice is to guide that industrial areas are located close, but not too close, to residential areas. However, agreeing on suitable locations for industrial use within a community is often difficult because these uses are often not compatible with other uses (e.g. noise, dust and heavy machinery near residential or commercial uses).</p> <p>We do acknowledge that having a robust and diversified economy is very important for supporting the health of community members because when families have stable, well-paid jobs they are better able to achieve what they need to live a healthy life (e.g. stable, suitable housing, adequate healthy food, education, recreation, etc.).</p> <p>Community planning must be conducted carefully to limit the production of, and exposure to air pollution, noise pollution and other environmental hazards. Housing proximity to dense, busy areas <u>or industrial sites</u> is also related to noise levels inside the home. Residents in small and medium-sized communities can be affected by noise exposure where residential areas are located close to dense, busy areas such as roadways and industrial areas. Higher levels of noise exposure are associated with sleep disturbance, fatigue, and other mental and physical health problems.</p> <p>We note that the proposed expansion of the existing wood product manufacturing business (industrial operation) is located in an area the is primarily zoned and designated residential, with some limited commercial. This would be a significant</p> |

change to the local are community / neighbourhood area and may create conflict between the different land users because of their incompatibility.

#### Drinking Water

A cornerstone of healthy built rural development is keeping drinking source water and potential contamination sources (far) apart. Drinking water is more reliably safe when there are more safeguards in place from source water to tap. Ensuring source water is free from contaminants is a very important safeguard. We note in the case of this application, this consideration would appear to be even more paramount from a community planning perspective, understanding that there are 2 groundwater aquifers located in the proposed development, one (Aquifer 1018) being considered moderately vulnerable, while the other (Aquifer 994) being considered highly vulnerable. Please see the images below for more detailed information on each of them.

We note that with the aquifer identified as 994 being highly vulnerable (aquifer has little natural protection against contamination introduced at the ground surface), any additional development should be carefully assessed. We are aware of smaller communities or settlement areas in the BC interior that have been developed / densified based on onsite services (wells and septic systems), and that over time have experienced the groundwater in the aquifer being impacted or contaminated. This can lead to the drinking water for all users not being considered safe to consume or use, and/or expensive solutions required to fix and treat it.

Regarding the proposed expansion of the wood product manufacturing business, it makes mention in Phase 2 of developing a daycare. For the applicants information, any public facility (or open to the public, e.g. the children attending the daycare and the staff working at the daycare) on it's own water source is considered a water supply system under the [Drinking Water Protection Act](#) and [Regulations](#). More information on permits or approvals required to provide drinking water to consumers can be found on our public website here [Drinking Water Providers & Operators | Businesses | IH \(interiorhealth.ca\)](#).

#### Sewerage Disposal

Any home or building that is not connected to a community sewer system needs a method for getting rid of human waste. All buildings with indoor plumbing must have a sewerage system in compliance with the [BC Sewerage System Regulation](#). Ensuring there is enough unencumbered space (undeveloped, untouched and left available in perpetuity) for a primary and reserve disposal system is a critical consideration for any proposed development on it's on disposal system. More information on constructing a new or expanding an existing sewerage disposal system can be found on our public website here [Sewerage, Subdivisions & Healthier Industries | IH \(interiorhealth.ca\)](#).

Based on the above healthy community development and population health comments and perspectives, we recommend that the Regional District of Central Kootenay carefully consider whether to support amending the land use designation and rezoning of the subject lands given the concerns we've identified. Interior Health is committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable community development, land use planning and policy creation.

**Staff Note:** As noted above, see Attachment "D" for subsequent IHA comments.

|                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ministry of Forests<br/>– Selkirk District</b>                    | The ministry of forests, selkirk district have no concerns about this amendment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ministry of Water<br/>– Land and<br/>Resource<br/>Stewardship</b> | <p>Permitting Transformation Division (Water Authorizations) staff of the Ministry of Water, Land and Resource Stewardship (WLRS) have reviewed information provided in RDCK Referral Number Z2410F and provide the following comments at this time.</p> <ol style="list-style-type: none"> <li>1. A review of the RDCK Public Web Map page indicates the three subject parcels and adjacent Spearhead facility are not located within a water system service area, as such, each of the parcels is responsible for obtaining water to support the land use.</li> <li>2. Staff advise that use of surface water (including spring water) for any purpose (with a few exceptions) requires a water license in accordance with the Water Sustainability Act (WSA). Additionally, with exception of groundwater for domestic use, use of groundwater for non-domestic purposes (e.g., irrigation, industrial, storage, power, waterworks) requires a license in accordance with the WSA. (Staff note that use of groundwater for domestic purpose does not require a water license, but well owners are encouraged to register their groundwater well to support the management of groundwater quality and quantity.)</li> <li>3. A review of WLRS water licensing data indicates the Spearhead facility located at 4655 Highway 3A does not hold a surface or groundwater water license to support the existing light industrial use. If the facility was using groundwater prior to March 1, 2016 then it was eligible to submit an "existing use groundwater" (EUG) application by March 1, 2022 to allow the use of groundwater to lawfully continue until such time the application was adjudicated. If an EUG application was submitted, it could be in the application submission portal backlog and hasn't been entered into the water licensing system for WLRS staff to see it. Please have the applicant confirm the water source for the 4655 Highway 3A parcel. If an EUG application was submitted, please have applicant provide the Front Counter BC tracking number for WLRS staff to search the application submission portal.</li> <li>4. A review of WLRS water licensing data indicates the three residential parcels that are subject of application do not hold water licenses. Please have the applicant confirm the source of water for the three parcels. WLRS staff note the three parcels are currently zoned for residential use and, as discussed above, if water is supplied to these parcels through groundwater then a water license is not required.</li> <li>5. Should the proposed zoning be successful and the proposed land use proceed as described in the referral package, use and diversion of surface or groundwater water must be in accordance with the requirements of WSA and associated regulations; any non-domestic use of surface water or groundwater will require a water license. If a water license application is required to support existing and future land use, the proponent should place an application with FrontCounterBC as soon as possible as Water Authorizations in the Kootenay Boundary Region has a significant backlog and processing of the application may take considerable time.</li> </ol> <p>Should you wish to discuss further, please contact Rod Shead, Licensed Authorizations Officer, WLRS at 778-463-5601.</p> |
| <b>Ministry of Water,<br/>Land and Resource<br/>Stewardship –</b>    | The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| <b>Ecosystems</b><br><b>Section Head –</b><br><b>Kootenay-</b><br><b>Boundary Region</b> | <p>provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:</p> <ol style="list-style-type: none"> <li>1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.</li> <li>2. Changes in and about a “stream” [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.</li> <li>3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.</li> <li>4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).</li> <li>5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (<a href="http://gov.bc.ca">gov.bc.ca</a>) and Develop with Care 2014 - Province of British Columbia.</li> <li>6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - <a href="http://Canada.ca">Canada.ca</a>. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:</li> </ol> <table border="1" data-bbox="430 1780 1474 1854"> <tr> <th data-bbox="430 1780 954 1822">Bird Species</th><th data-bbox="954 1780 1474 1822">Least Risk Timing Windows</th></tr> <tr> <td data-bbox="430 1822 954 1854">Raptors (eagles, hawks, falcons, &amp; owls)</td><td data-bbox="954 1822 1474 1854">Aug 15 – Jan 30</td></tr> </table> | Bird Species | Least Risk Timing Windows | Raptors (eagles, hawks, falcons, & owls) | Aug 15 – Jan 30 |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------|------------------------------------------|-----------------|
| Bird Species                                                                             | Least Risk Timing Windows                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                           |                                          |                 |
| Raptors (eagles, hawks, falcons, & owls)                                                 | Aug 15 – Jan 30                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |                           |                                          |                 |

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|                            | Hérons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Aug 15 – Jan 30  |
|                            | Other Birds                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Aug 1 – March 31 |
|                            | <p>7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.</p> <p>8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.</p> <p>9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers &amp; Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).</p> <p>10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.</p> |                  |
| <b>Neighbour Responses</b> | <p>The below list highlights some of the main themes that came up in the opposition letters:</p> <ul style="list-style-type: none"> <li>- Decrease in the value of their properties</li> <li>- Negative impact to the residential/rural character of the area</li> <li>- Concerns related to the proximity of the proposed industrial building to neighbouring residential properties/dwellings</li> <li>- Noise from the expanded industrial use</li> <li>- Potential impact to the aquifers and neighbouring groundwater wells</li> <li>- Concerns about the noise/dust pollution and truck traffic associated with the development and construction process</li> <li>- Negative impact to the quality and enjoyment of private property</li> <li>- Overall concerns of increased noise and air pollution</li> <li>- Concerns related to how "waste wood" will be disposed of and if it will be incinerated on-site in a wood fired boiler</li> <li>- Concern about the removal of a significant number of trees</li> <li>- Overall concerns about the compatibility of the proposed industrial use and the surrounding residential properties.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |

The Crescent Beach Community Group (CBCG) commissioned an aquifer assessment that was completed by McElhanney Ltd. which concluded as follows:

" The unconfined sand and gravel aquifer located down slope and down-gradient with respect to groundwater flow, designated by the Province as aquifer AQ 994, has been characterized as highly vulnerable to impacts from potential contaminants at ground surface. The northern limit of aquifer AQ 994 is between 20 m and 45 m of the southern limits of the Property.

Based on a review of the available information, potential impacts to down-gradient receptors (water wells and the Kootenay River) from the proposed development are as follows:

- Partially renovated wastewater effluent may be directed, or eventually report, to aquifer AQ 994 via the rock pits and/or perimeter drains on the Property.
- Recharge of stormwater to the subsurface at the south limit of the Property will increase via the rock pit and/or the perimeter drain;
- If Well B is not completed with a surface annular casing seal, there is a risk that insufficiently treated effluent from upslope effluent disposal fields could migrate into Well B;
- Wash water from the concrete floor slab (residual wood stain and glue water quality) and from asphalt surfacing (residual hydrocarbon concentration) may report to the perimeter drain system and/or rock pit(s) on the Property and impact groundwater that will recharge aquifer AQ 1018;
- It is understood that Well B is proposed to service Spearhead with potable water. The location of Well B is within the footprint of the proposed production shop building. There are no details regarding this well, specifically when the well is drilled, what geology was encountered, the depth to water-bearing fractures and if the well is compliant with the requirements under the Groundwater Protection Regulation. As defined in the BC Water Act, if the well is used for industrial/commercial purposes, it will become a public water supply well

Generally, in our professional opinion, based on the information provided to date, the proposal has the following deficiencies:

- There is currently no clear stormwater management plan for the Property;
- It is unlikely that there will be adequate effluent renovation prior to discharge at the south property boundary;
- There is no consideration of the high consequence, low likelihood event of a release of low VOC or petroleum hydrocarbon chemicals at the Property;
- Since Well B is planned to become a public water supply, well completion details at Well B are unknown;
- There is no consideration of the fact that the proposed development on the Property is between 20 m and 45 m up-gradient of a highly vulnerable aquifer that is the sole-source of potable drinking water for several homeowners;
- Time for potentially contaminated groundwater to be intercepted by domestic wells located

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>downslope (down-gradient) of the Property may be less than expected and could represent a health hazard.</p> <ul style="list-style-type: none"> <li>• There has been no consideration of effluent pre-treatment to a higher standard than Type 1;</li> <li>• There has been no consideration of installation of groundwater monitoring wells along the south Property boundary;</li> <li>• There has been no consideration of baseline and post operation groundwater monitoring along the south property boundary or in the highly vulnerable aquifer;"</li> </ul> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### 3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to refer the application to a public hearing, staff will organize the public hearing pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

## SECTION 4: SUMMARY

### PLANNING DISCUSSION

Since the March 13<sup>th</sup> Public Hearing there have been ongoing discussions with Interior Health Authority (IHA) in relation to the aquifer assessments that were provided by Active Earth and McElhanney. New information was provided by IHA on April 10<sup>th</sup> (Attachment D) and concerns were identified regarding the different conclusions drawn by the two respective hydrogeological consultants. Based on the uncertainty of the potential impact of the proposed development on the aquifers and local ground water supply, staff recommend that additional information be provided prior to Board of consideration of 3<sup>rd</sup> reading.

By holding another public hearing prior to consideration of 3<sup>rd</sup> reading staff also have an opportunity to provide additional information to the Board in order to ensure that specific requirements under the Local Government Act are addressed in sufficient detail.

Staff intend to further discuss IHA's comments with the applicant, including the option of securing conditions reflected in a S.219 Covenant, and will present such at or in advance of the further Public Hearing. A S.219 Covenant would allow the Board to make a decision on the land use issue, with development details and aquifer protection conditions to be implemented thereafter.

## SECTION 5: OPTIONS

### **Option 1: Direct staff to complete consultation and refer to Public Hearing**

That, having considered appropriate consultation, both early and ongoing, with various persons, organizations and authorities considered to be potentially affected, and having engaged in public consultation since October 24, 2024, including with the School Board of School District No. 8, and having considered the Regional District of Central Kootenay housing needs report, Financial Plan and Resource Recovery Plan, all in consideration of and compliance with the Local Government Act, Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area 'F' Official Community Plan

Bylaw No. 2214, 2012 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be referred to a Public Hearing.

AND FURTHER That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'A' Director Jackman is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

### **Option 2: No Further Action**

That no further action be taken with respect to Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

## **SECTION 5: RECOMMENDATIONS**

That, having considered appropriate consultation, both early and ongoing, with various persons, organizations and authorities considered to be potentially affected, and having engaged in public consultation since October 24, 2024, including with the School Board of School District No. 8, and having considered the Regional District of Central Kootenay Housing Needs Report, Financial Plan and Resource Recovery Plan, all in consideration of and compliance with the Local Government Act, Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be referred to a Public Hearing.

AND FURTHER That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'A' Director Jackman is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,  
Zachari Giacomazzo, Planner

## **CONCURRENCE**

Planning Manager – Nelson Wight

Approved

Manager of Development and Community Sustainability – Sangita Sudan

Approved

Chief Administrative Officer – Stuart Horn

Approved

### **ATTACHMENTS:**

**Attachment A – Official Community Plan Amendment Bylaw No. 3002**

**Attachment B – Zoning Amendment Bylaw No. 3003**

**Attachment C – Architectural plans**

**Attachment D – Comments from Interior Health Authority, dated April 10, 2025**

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3002

A Bylaw to amend Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011

WHEREAS it is deemed expedient to amend the Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule ‘Schedule B’ of Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011 be amended by changing the Land Use Designation of LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559), LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567), and LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228) from Country Residential (CR) to Industrial (M), as shown on the attached Map.
- 2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as “Regional District of Central Kootenay Electoral Area F Official Community Plan Amendment Bylaw No. 3002, 2024”

READ A FIRST TIME this 12<sup>th</sup> day of December , 2024.

READ A SECOND TIME this 12<sup>th</sup> day of December , 2024.

WHEREAS A PUBLIC HEARING was held on the 9<sup>th</sup> and 28<sup>th</sup> day of January , 2025

AND WHEREAS AN ADDITIONAL PUBLIC HEARING was held on the 13<sup>th</sup> day of March , 2025

READ A THIRD TIME this [Date] day of [Month] , 20XX.

ADOPTED this [Date] day of [Month] , 20XX.

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer

## GENERAL INFORMATION

File number: Z2410F

Property Owner: Spearhead

Property Location: 4612 and 4614-4616 Starlight Road,  
and 4643 Highway 3A, 12 Mile, Electoral Area 'F'

Legal Descriptions:

4612 Starlight Road, LOT 5 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-282-228)

4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-289-567)

4643 Highway 3A, LOT 3 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-289-559)

REGIONAL DISTRICT OF CENTRAL KOOTENAY  
ELECTORAL AREA F  
OFFICIAL COMMUNITY PLAN AMENDMENT  
BYLAW NO. 3002, 2024  
SCHEDULE A



— Road

▬ Subject Property

— Lakes and Streams

▬ Lot Lines

**Official Community Plan**

Industrial

Commercial

Country Residential

Open Space

Parks and Recreation

Rural Residential

Suburban Residential

Meters

0 250 500

Scale: 1 : 3,000

Plotted: Wednesday, November 27, 2024

Datum/Projection: NAD83/UTM Zone11N

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.



## REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 3003

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A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

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WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

### APPLICATION

- 1 That Schedule 'E' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559), LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567), and LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228) from Country Residential (R2) to Comprehensive Development (CD3), as shown on the attached Map.

- a. ADDING the following:

### DIVISION 55 COMPREHENSIVE DEVELOPMENT (CD3)

| Permitted Uses          |                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5500                    | <p>Land, buildings and structures in the Comprehensive Development (CD3) zone shall be used for the following purposes only:</p> <p><b>Principal Uses:</b><br/>Commercial Workshops:<br/>Machine Shops<br/>Construction, Sales, Repair and Storage of:<br/>Prefabricated Buildings<br/>Wood Product Manufacturing</p> <p><b>Accessory Uses:</b><br/>Day Care Facility<br/>Office</p> |
| Development Regulations |                                                                                                                                                                                                                                                                                                                                                                                      |
| 5501                    |                                                                                                                                                                                                                                                                                                                                                                                      |
| 1                       | All development in the Comprehensive Development (CD3) zone shall be subject to the requirements of a Development Permit.                                                                                                                                                                                                                                                            |
| 2                       | The minimum lot area shall be 2 hectares                                                                                                                                                                                                                                                                                                                                             |
| 3                       | The maximum site coverage shall be 50 percent of the lot area                                                                                                                                                                                                                                                                                                                        |
| 4                       | Excepting a fence, no building or structure may be located within:                                                                                                                                                                                                                                                                                                                   |

|    |                                                                                                                                                                                |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. | 15 metres of the front lot line                                                                                                                                                |
| b. | 15 metres of the rear lot line                                                                                                                                                 |
| c. | 7.5 metres of the interior side lot line                                                                                                                                       |
| d. | 15 metres of an interior side lot line that abuts an agricultural or residential zone                                                                                          |
| 5  | The maximum height of any building or structure shall be 15 metres                                                                                                             |
| 6  | Landscaping shall comply with the requirements of Sections 620 and 621                                                                                                         |
| 7  | The following parking requirements shall apply:                                                                                                                                |
| a. | A minimum of 65 parking spaces shall be provided for the subject property                                                                                                      |
| b. | Required parking spaces are permitted to be provided on the adjacent lot (PID: 029-966-547) in the form of a covenant under Section 219 of the Land Title Act                  |
| c. | A minimum of 2 of the required number of parking spaces shall be provided as accessible parking spaces                                                                         |
| d. | Minimum Parking Space Dimensions (w x l x h):<br>Above Grade: 2.75 m x 6 m x 2.2 m<br>Below Grade: 3.05 m x 6 m x 2.0 m<br>Below Grade (adjacent to wall): 3.2 m x 6 m x 2.0 m |

**2** This Bylaw shall come into force and effect upon its adoption.

#### CITATION

**3** This Bylaw may be cited as “**Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003**”

READ A FIRST TIME this 12<sup>th</sup> day of December, 2024.

READ A SECOND TIME this 12<sup>th</sup> day of December, 2024.

WHEREAS A PUBLIC HEARING was held on the 9<sup>th</sup> and 28<sup>th</sup> day of January, 2025

AND WHEREAS AN ADDITIONAL PUBLIC HEARING was held on the 13<sup>th</sup> day of March, 2025

READ A THIRD TIME this [Date] day of [Month], 20XX.

[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

\_\_\_\_\_  
Approval Authority,  
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month], 20XX.

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Aimee Watson, Board Chair

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Mike Morrison, Corporate Officer

## GENERAL INFORMATION

File number: Z2410F

Property Owner: Spearhead

Property Location: 4612 and 4614-4616 Starlight Road,  
and 4643 Highway 3A, 12 Mile, Electoral Area 'F'

Legal Descriptions:

4612 Starlight Road, LOT 5 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-282-228)

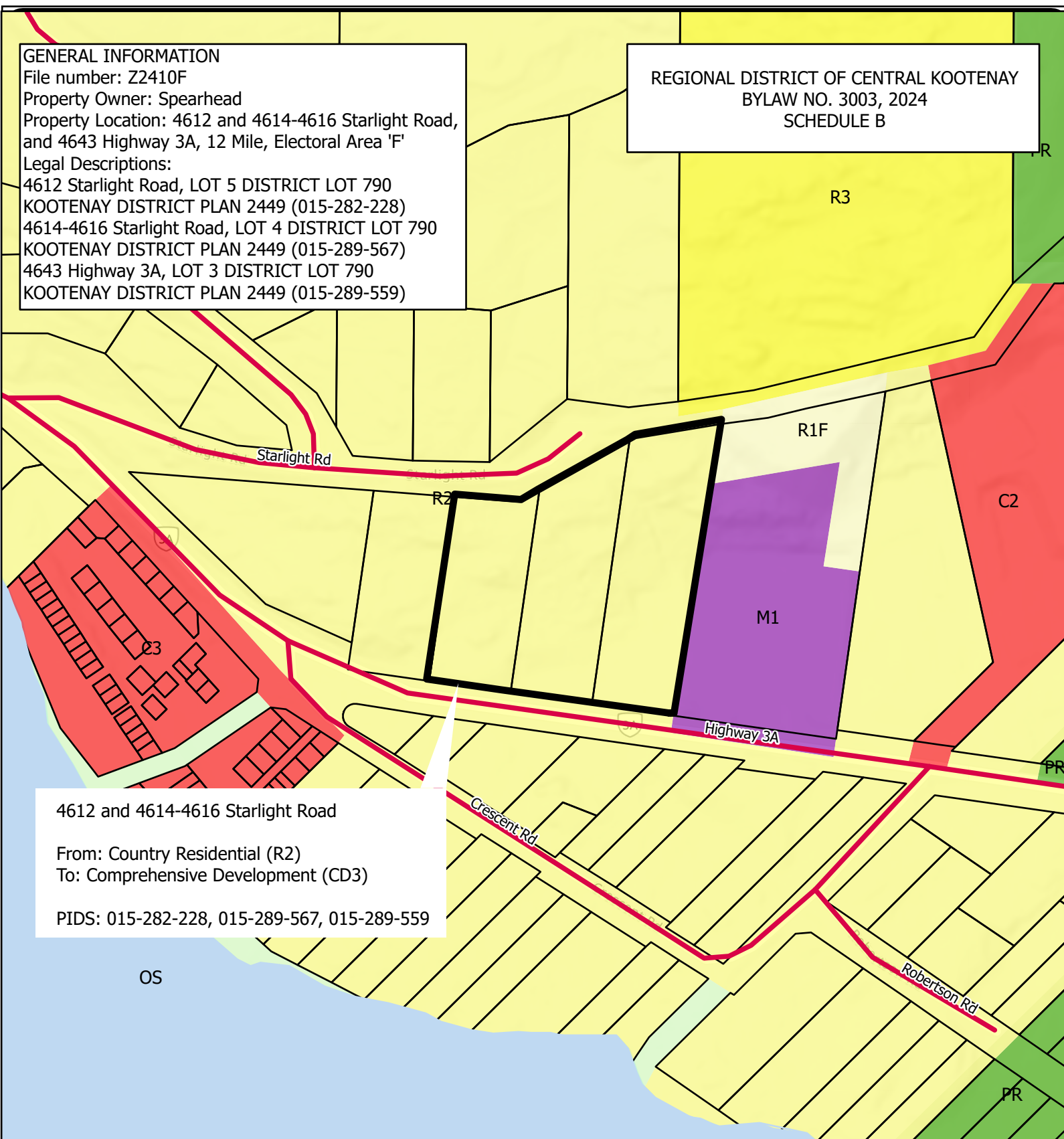
4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-289-567)

4643 Highway 3A, LOT 3 DISTRICT LOT 790

KOOTENAY DISTRICT PLAN 2449 (015-289-559)

REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BYLAW NO. 3003, 2024  
SCHEDULE B



4612 and 4614-4616 Starlight Road

From: Country Residential (R2)

To: Comprehensive Development (CD3)

PIDS: 015-282-228, 015-289-567, 015-289-559



— Road

Subject Property

Lakes and Streams

Lot Lines

### Zoning

Industrial

Open Space

Parks and Recreation

Residential 1

Residential 2

Residential 3

Commercial

Meters

0 250 500

Scale: 1 : 3,000

Plotted: Wednesday, November 27, 2024

Datum/Projection: NAD83/UTM Zone11N

The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

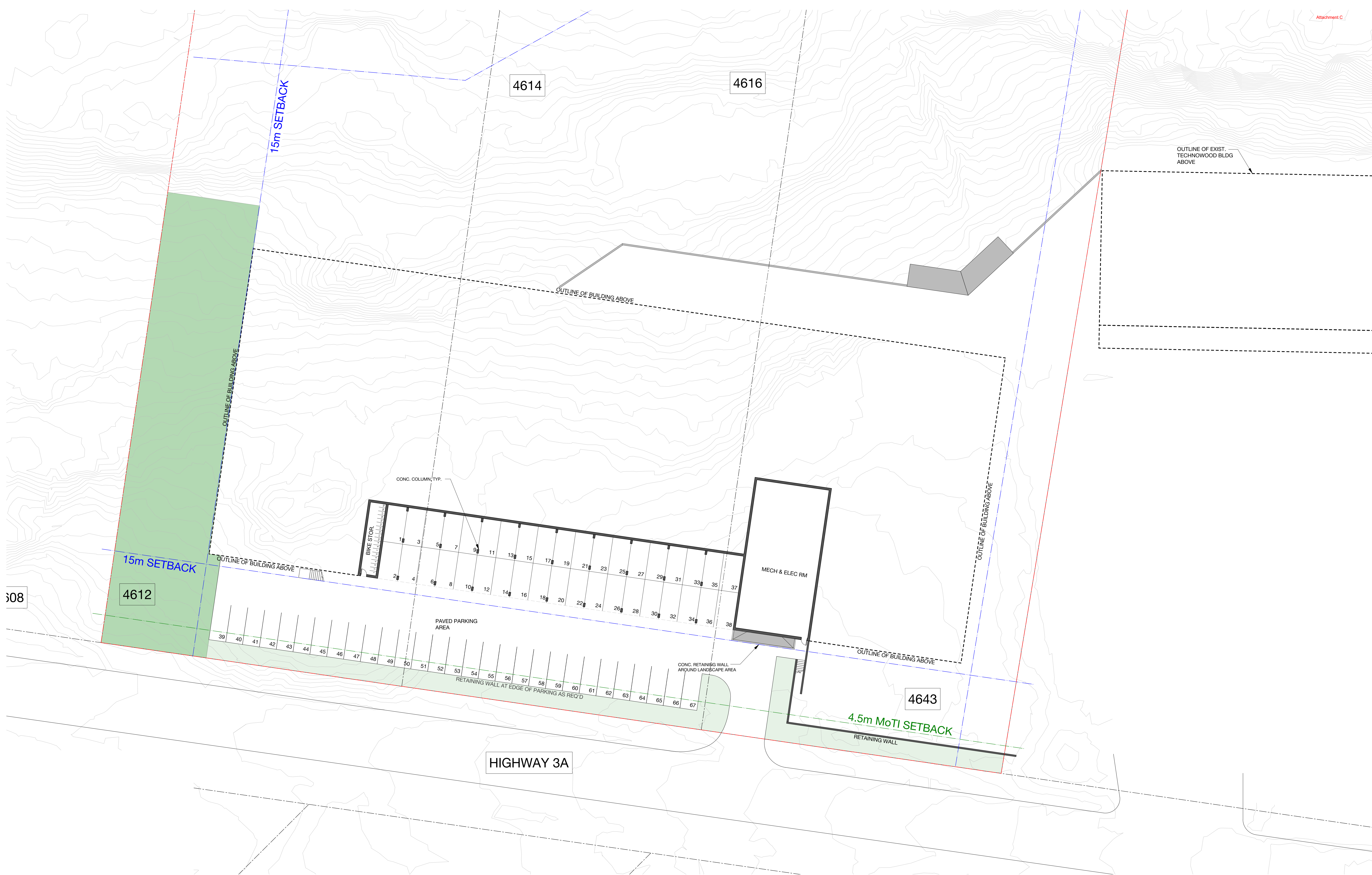


NOTE:  
WHERE ACCESS / LOADING ROUTES &  
PARKING ARE SHOWN ON ADJACENT  
PROPERTY, IT IS UNDER THE SAME  
OWNERSHIP AND COVENANTS WILL BE  
REGISTERED ON THE SITE AS REQUIRED.





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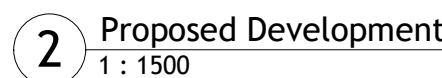
All ideas, design arrangements, and plans indicated or represented by these drawings are owned by and are the property of Studio 9 Architecture and Planning Ltd. The documents presented were created, evolved and developed for the sole purpose of use on and within the specific project. None of the ideas, designs, arrangements, or plans shall be used by or disclosed to any person, firm, or corporation for any purpose whatsoever without the written permission of Studio 9 Architecture and Planning.

4655 Highway 3A,  
Nelson, BC V1L 6N3

# A103

- 1 The maximum site coverage permitted shall be 50 percent of the lot area.
- 2 Excepting a fence, no building or structure may be located within:
  - a. 15 meters of the front lot line
  - b. 15 meters of the rear lot line
  - c. 7.5m of the interior side lot line; or
  - d. 15 meters of a rear or interior side lot line that abuts an agricultural or residential zone.
- 3 The maximum height of any structure on a lot shall be 15 meters.
- 4 Landscaping shall comply with the requirements of sections 621 and 622.
- 5 An Industrial Development Permit is required for developments on Industrial zoned land.

 C2  
 CD  
 M1  
 R1F  
 R2



NOT FOR CONSTRUCTION

## Zachari Giacomazzo

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**From:** Adams, Mike [IH] <[REDACTED]>  
**Sent:** Thursday, April 10, 2025 5:36 PM  
**To:** Zachari Giacomazzo  
**Subject:** RE: Z2410F: McElhaney Groundwater Impact Assessment (Spearhead Land Use Bylaw Amendment)

**CAUTION**

This email originated from outside the organization. Please proceed only if you trust the sender.

Good evening Zachari,

Further to our comments previously provided to Land Use Application File Number Z2410Z dated January 31, 2025 (see below), Interior Health is providing updated comments based on our review the McElhaney Groundwater Impact Assessment provided by the residents of Crescent Beach.

Given the new information contained within the McElhaney report, it prompted us to revisit and reconsider our previous response. Please note that we have also provided a similar response to Linda Blair who had shared the McElhaney report directly with us.

Regarding the assessments by the 2 Qualified Professionals (Active Earth Engineering Ltd and McElhaney Ltd), is not within Interior Health's scope and role to reconcile the differences between the 2 reports. If there are concerns in this regard, that would be something to pursue with their professional governing body, the [Engineers & Geoscientists BC](#).

Based on the McElhaney Groundwater Impact Assessment, we're offering the following revised comments from a public health perspective:

A number of the comments offered and questions asked in the McElhaney report are concerning, including their opinion of potential threats to drinking water if the development were to proceed as currently proposed.

Source protection is a critical part of drinking water protection. Where assessments indicate risks to drinking water, proponents or resource users operating in a watershed are expected to identify steps required to effectively manage those threats. Those demonstrating compliance with recognized best management practices are not likely to be seen as posing a significant risk.

As one illustration or example of concerns identified, the McElhaney report flagged that there has been no consideration for installation of groundwater monitoring wells along the south Property boundary. Groundwater monitoring wells associated with this type of industrial operation within or near a groundwater aquifer would be considered recognized best management practice, as is monitoring of water quality by the resource user in community or domestic watersheds (e.g. baseline and post operation groundwater monitoring along the south property boundary or in the highly vulnerable aquifer).

Under BC health laws, everyone is responsible for ensuring their activities do not result in contamination of drinking water. Regardless of any approvals received, persons creating drinking water health hazards may face prosecution and be required to undertake remediation works.

**It is our recommendation to the Regional District of Central Kootenay that the concerns and deficiencies identified and related to the potential impacts for groundwater contamination (e.g. Section 8.2 of the McElhaney report) and within the conclusions (e.g. Section 9 of the McElhaney report) should be addressed, mitigated or resolved, either prior to the application proceeding, or as a condition of the application's approval.**

This would include concerns related to, but not limited to, untreated or partially treated domestic sewerage being intercepted by the proposed building drain and rock pit, or either aquifer; a clear stormwater management plan including the locations, intended function and number of rock pits; potentially contaminated groundwater intercepted by domestic wells located downslope (down-gradient) of the property; whether pre-treatment of domestic sewerage effluent to a higher standard than Type 1 should be considered; installation of groundwater monitoring wells along the south property boundary, and baseline and post operation groundwater monitoring along the south property boundary or in the highly vulnerable aquifer.

No one wants to see either of these groundwater aquifers become contaminated, remediation can be expensive and the impacts to the groundwater can be long lasting. Fortunately, there continues to be an opportunity and time to resolve the concerns and deficiencies the McElhanney report identified, as no construction or development has occurred / even started yet. The applicant (Spearhead) should also be very concerned and have a vested interest by the findings contained in this report, they are also a user of groundwater within one of the connected aquifers with potential implications identified to their own water source. They have also expressly stated that their company values include being a “family-owned and operated business with a 30-year history in Nelson BC” and having a “high standard for environmental sustainability”.

Please note, in relation the McElhanney reports’ discussion about wash water from the concrete floor slab (residual wood stain and glue water quality) and it’s potential disposal, this would be considered an industrial waste requiring appropriate disposal under the [Waste Management Act and Regulations](#) for which the [Ministry of Environment and Parks](#) is the responsible agency. The disposal of an industrial waste can not be directed to a domestic sewerage disposal system or through connection to a building drain or stormwater system.

Interior Health remains committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable community development, land use planning and policy creation. If you have any questions or require additional information, or would like to discuss my response further, please feel free to email me directly at [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca).

Regards,

**Mike Adams** (he/him/his)

Team Leader, Healthy Community Development  
Interior Health



[www.interiorhealth.ca](http://www.interiorhealth.ca)



Interior Health

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Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka’pamux, Secwépemc, St’át’imc, syilx, and Tšilhqot’in Nations where we live, learn, collaborate and work together.

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**From:** Adams, Mike [IH]

**Sent:** Friday, January 31, 2025 5:32 PM

**To:** Zachari Giacomazzo <[ZGiacomazzo@rdck.bc.ca](mailto:ZGiacomazzo@rdck.bc.ca)>

**Subject:** RE: Z2410F: Groundwater Impact Assessment (Spearhead Land Use Bylaw Amendment)

Good evening Zachari,

Thanks for your email, I was away the last 2 days.

Earlier this afternoon I had the opportunity to review the revised report, as well as consult or communicate with my colleagues, Rob and Gordon.

Based on the revised Groundwater Impact Assessment, and separately the Septic Investigation Report that you've provided, we're offering the following comments from a public health perspective:

#### Drinking Water

Based on the additional information provided within Section 4 and Section 5 of the Assessment, the potential environmental impact from the proposed wood manufacturing operation has been identified as low risk to impacting the environment, and both aquifers, by the qualified professional. They have also provided some information on how potential risks will be managed or mitigated. We encourage the applicant to include specific safety measures and procedures into their operational or an emergency response plan, and that all staff are aware of and understand them.

As a reminder prior to opening a daycare, the applicant will need to apply for an operating permits or approvals (including a source water assessment) to drinking water to consumers (daycare staff and clients). More information can be found on our website here [Drinking Water Providers & Operators | Businesses | IH \(interiorhealth.ca\)](#)

#### Sewerage Disposal

We undertook a review of the conceptual plans for this proposal within the Septic Investigation Report and don't have any significant concerns. As included in Sections 4 and 5 of the Groundwater Impact Assessment, the qualified professional has concluded that the proposed onsite sewerage disposal system will meet the BC Sewerage System Regulation (SSR).

I trust this information is helpful to the Regional District of Central Kootenay related to the current land use bylaw amendment application. If you have any further questions or require additional clarity related to our response, please don't hesitate to contact me.

Separately to this referral, if you would like to explore a discussion related to community watershed (aquifer) planning and protection for this area, let me know. I think it's important, especially for the residents pulling water from the more vulnerable aquifer (#994), to understand that all land uses have a potential to present a risk to this aquifer (including their land use practices on their own properties). This potential environmental public health impact or risk would also likely extend to Kootenay Lake.

Take care,  
Mike

**Mike Adams** (he/him/his)

Team Leader, Healthy Community Development  
Interior Health



[www.interiorhealth.ca](http://www.interiorhealth.ca)



Interior Health

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