



Committee Report

Date of Report: November 26, 2024
Date & Type of Meeting: December 11, 2024 Rural Affairs Committee
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 for the Rural Affairs Committee and Board to consider an application to amend the land use and zoning designations for three existing lots: 4612 Starlight Road, 4614-4616 Starlight Road, and 4643 Highway 3A, at 12 Mile in Electoral Area 'F'.

This application seeks to rezone the subject lands from Country Residential (R2) to Comprehensive Development (CD3) and amend the land use designation in the Area F Official Community Plan from Country Residential (CR) to Industrial (M) in order to authorize the expansion of the existing wood product manufacturing business.

Staff recommend that Official Community Plan and Zoning Bylaws be given 1st and 2nd reading, and referred to a Public Hearing. However, Staff further recommend that the applicant be required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- Archaeological assessment
- On-site wastewater assessment
- Groundwater impact assessment
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure
- Noise Study

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Spearhead

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 north east of the City of Nelson in a predominantly Rural Residential Area which is comprised of a small number of commercial properties in a predominantly residential area. The subject lands are 3 existing residential lots that are west of the existing Spearhead wood product manufacturing business and directly adjacent to and accessed from Highway 3A.



Figure 1 - Location Map

Land Use Bylaw Amendments Proposed

The purpose of this application would authorize a proposed expansion to the existing wood product manufacturing business and would consist of a 1 storey workshop and an attached 3 storey office and child care facility. 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 Phase 1 of the proposal. The full size site plan drawings are also included as Attachment 'E' to this report.

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.

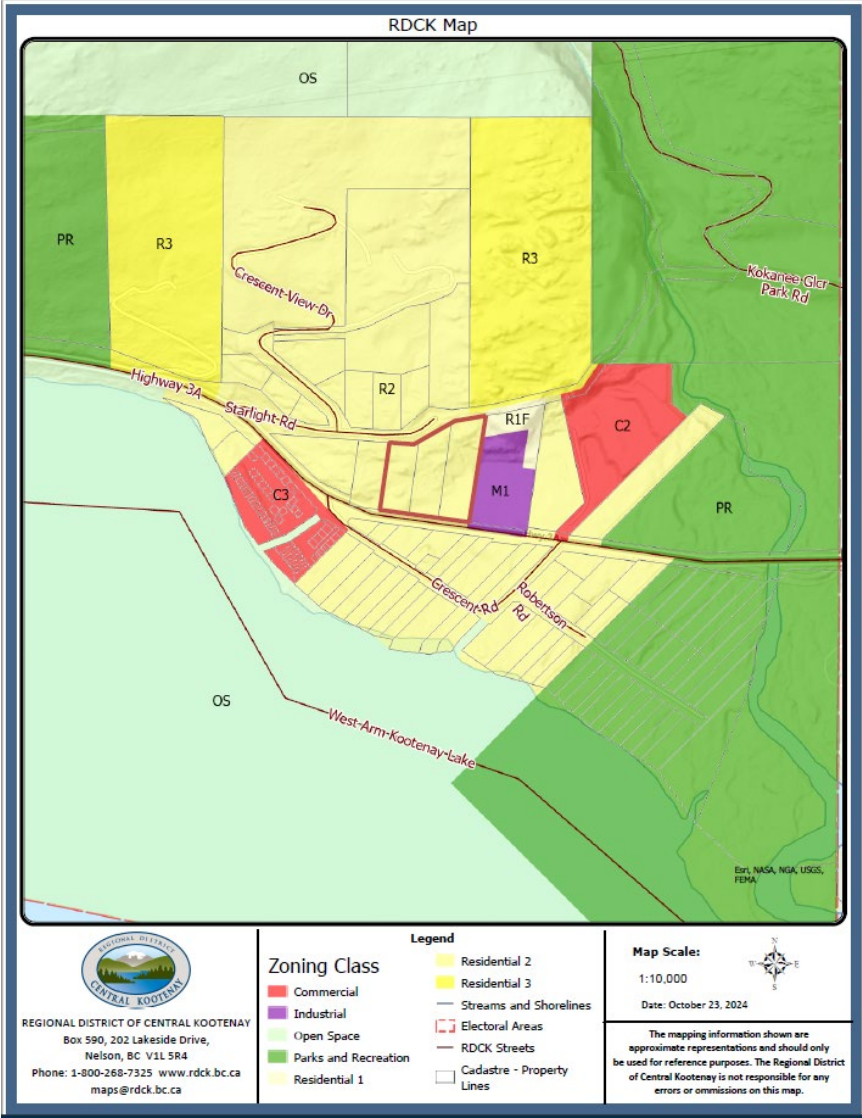


Figure 2 - Zoning Map

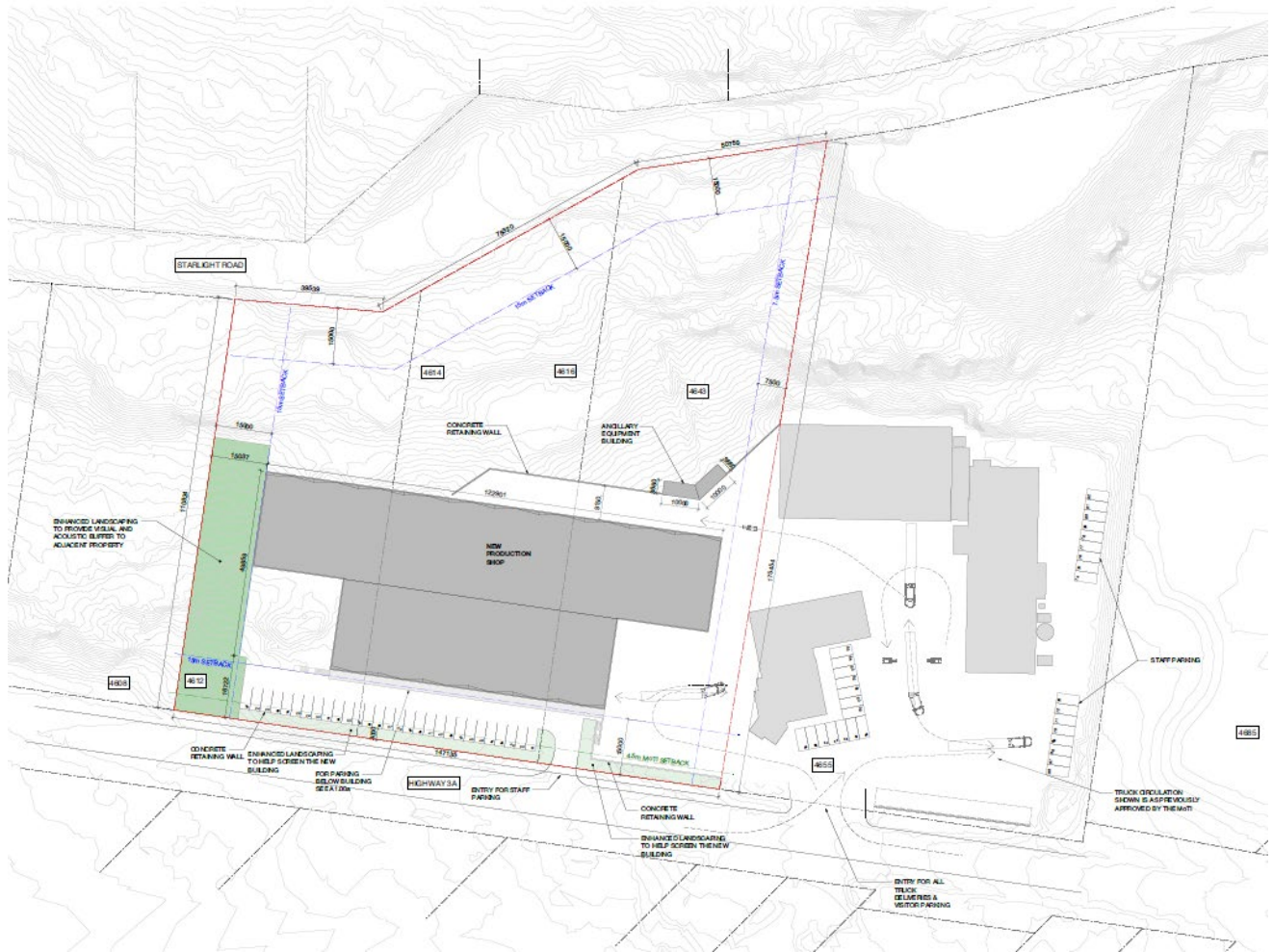


Figure 3 - Site Plan showing development proposed as part of Phase 1



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

Planning Policy

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, AGRICULTURE & RURAL LAND

9.2 Objectives

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

Industrial

The Regional Board:

- .29 Designates land shown as Industrial on Schedule B for industrial uses.
- .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.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	☐ Yes	☒ No	Financial Plan Amendment:	☐ Yes	☒ No
Debt Bylaw Required:	☐ Yes	☒ No	Public/Gov't Approvals Required:	☐ Yes	☒ 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.

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

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.

Based on the fact that 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 ensured that the consultation requirements for a minor amendment have been satisfied.

3.3 Environmental Considerations

Not applicable.

3.4 Social Considerations:

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to 26 adjacent property owners within 100 metres of the subject lands.

3.5 Economic Considerations:

Spearhead is recognized as a significant employer within the area. The proposed warehouse/office building will showcase some of the company's lumber products and will provide for a more suitable building for business administration.

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.

At the time this report was prepared, seven (7) responses were received from neighbouring property owners that identified concerns related to noise, dust, traffic, emissions, impacts to the use and enjoyment of their properties and the overall incompatibility of the proposed expansion to the existing business with surrounding residential uses. One (1) submission in support of the application was received. The responses from the neighbouring property owners are summarized at the end of this section and are included as Attachment 'D'.

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

Agency/ Department	Referral Response
RDCK Environmental Services	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 intakes or wells. Water Services has no concerns with this proposed amendment.
RDCK Building Services	Please see the comments from the Building Department Below. 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. 2. BPs will be required for the demolition any existing buildings on the existing lot areas. 3. Qualified Professional including Geotechnical Letter of Assurance (LOAs) – Schedule B's are required for the projects including a CRP (Coordinating Registered Professional) 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. 5. NFPA 1270 – applicable for organization and deployment of Fire suppression operations and special operations to the Public by Volunteer Fire Departments. 6. Building shall comply to NECB or Part 10 of the BCBC (for portions of applicable occupancy classifications) <u>Building Code Compliance:</u> 1. Building shall comply with Part 3 of the current BCBC 2. Fire Department access shall comply with BCBC Article 3.2.5.5.5. Access routes shall be provided to a building so that a) for a building 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 c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m <u>3.2.5.6. Access Route Design</u> 1.) A portion of a roadway or yard provided as a required access route for fire department use shall a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory, b) have a centre-line radius not less than 12 m, c) have an overhead clearance not less than 5 m, d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m, 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, f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and g) be connected with a public thoroughfare. (See Note A-3.2.5.6.(1).) 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 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. The Building Department may request more documentation and clarification after the submission of the Building Permits (prior to issuance), upon review of your applications.
RDCK Fire Services	<i>No comments provided.</i>
Ministry of Transportation and Infrastructure (MoTI)	Thank you for the opportunity to comment on this proposal. MoTI accepts the proposed amendment in principle. 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.
Ktunaxa Nation Council	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. <i>RDCK Staff Note: Staff have informed the applicant that an AOA shall be completed.</i>
Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Nelson Hydro	<i>No comments provided.</i>
Interior Health Authority	<i>See attachment 'F' for complete IHA comments.</i>
Ministry of Forests – Selkirk District	The ministry of forests, selkirk district have no concerns about this amendment.
Ministry of Water – Land and Resource Stewardship	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. 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. 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.) 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. 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.

	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. Should you wish to discuss further, please contact Rod Shead, Licensed Authorizations Officer, WLRS at 778-463-5601.
Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region	The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments: 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. 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. 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. 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). 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 (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.

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 - Canada.ca. 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:

Bird Species	Least Risk Timing Windows
Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30
Hérons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

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.
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.
9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

Neighbour Responses

Responses were received from 7 individuals indicating that they are opposed to the proposed land use bylaw amendment. Their comments and concerns are included as Attachment 'D' to this report and are also summarized as follows:

- Decrease in the value of their properties
- Negative impact to the residential/rural character of the area

	- Concerns related to the proximity of the proposed industrial building to neighbouring residential properties/dwellings - Noise from the expanded industrial use - Potential impact to neighbouring groundwater wells - Concerns about the noise/dust pollution and truck traffic associated with the development and construction process - Negative impact to the quality and enjoyment of private property - Overall concerns of increased noise and air pollution - Concerns related to how “waste wood” will be disposed of and if it will be incinerated on-site in a wood fired boiler or cogeneration plant - Concern about the removal of a significant number of trees - Overall concerns about the compatibility of the proposed industrial use and the surrounding residential properties
--	--

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amending bylaw First and Second reading and refer to 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

The building proposed to be constructed on the subject lands is approximately the same size as the total of all the existing buildings and structures within Spearhead’s current operation and represents a substantial increase to the size and scale of the industrial “Wood Product Manufacturing” business. Consequently, there is the potential for the proposed expansion of the industrial operation to negatively impact the residents living in the vicinity of this development. This concern is noted in the feedback already received, which includes seven (7) letters from neighbouring residents noting concerns and opposition to the proposal.

The existing site has been in operation for 25 years, with recent expansions on that original site. Recent expansions following various approvals from the RDCK in 2020 permitted construction of a large “fabrication and assembly shop” and installation of a visual screen along the front property line adjacent to Highway 3A. Through the review of the Development Variance Permit (DVP) application required to address various zoning bylaw regulations for that project, some area residents also raised concern with negative impacts from that expansion. Consequently, conditions of the DVP included mitigations to address noise and air quality. Since that expansion, the RDCK has not received any complaints from area residents.

Despite the concerns regarding potential negative impact to the surrounding residential properties, Staff consider that there is sufficient merit in the proposal to consider first and second reading of the amending bylaws and refer the application to a public hearing. However, Staff recommend that the Board require additional information from the applicant in order to assist them in making a decision on this important land use decision. This recommendation is detailed in “Option 1 – Proceed with 1st and 2nd Readings, refer to Public Hearing, and Additional Information Be Provided” below.

Alternatively, should the Board prefer that this information be provided prior to consideration of 1st and 2nd readings, a referral motion is provided in “Option 2 – Refer to Future Meeting and Additional Information Required” below.

“Option 3 – No Further Action” is provided, should the Board consider that there is no merit in pursuing the matter further. This would send a signal for the applicant to consider siting this facility in an alternate location with existing land uses more compatible to the activity proposed.

SECTION 5: OPTIONS

Option 1 - Proceed with 1st and 2nd Readings, refer to Public Hearing, and Additional Information Be Provided

That 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, 2011 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That 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 is hereby given FIRST and SECOND reading by content and 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 ‘F’ Director Tom Newell is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

And Further

That the applicant be required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- 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

Option 2 - Refer to Future Meeting, and Additional Information Be Provided

That further consideration of 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, 2011 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 the January Rural Affairs Committee Meeting in order for the following information to be provided prior to FIRST and SECOND Readings:

- 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

Option 3 - 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 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, 2011 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That 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 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That prior to consideration of THIRD READING for Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003, the applicant is required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- 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.

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'F' Director Tom Newell 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 – DRAFT Official Community Plan Amendment Bylaw No. 3002

Attachment B – DRAFT Zoning Amendment Bylaw No. 3003

Attachment C – Referral responses from Shuswap Band, Okanagan Indian Band and Penticton Indian Band.
Attachment D – Written submissions from neighbouring property owners
Attachment E – Architectural plans (site plan, elevations and renderings)
Attachment F – Referral Comments from Interior Health Authority, dated November 27, 2024

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, 2004"**

READ A FIRST TIME this 12th day of December , 2024.

READ A SECOND TIME this 12th day of December , 2024.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month] , 20XX.

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.

[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

RR

SR

M

C

Starlight Rd

Highway 3A

CR

Crescent Rd

Robertson Rd

OS

4612 and 4614-4616 Starlight Road

From: Country Residential (CR)

To: Industrial (M)

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

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

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

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	Land, buildings and structures in the Comprehensive Development (CD3) zone shall be used for the following purposes only: Principal Uses: Commercial Workshops: Machine Shops Construction, Sales, Repair and Storage of: Prefabricated Buildings Wood Product Manufacturing Accessory Uses: Day Care Facility Office
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 on the subject property
b.	19 parking spaces shall be provided on the adjacent lot (PID: 029-966-574) 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): Above Grade: 2.75 m x 6 m x 2.2 m Below Grade: 3.05 m x 6 m x 2.675 m Below Grade (adjacent to wall): 3.2 m x 6 m x 2.675 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, 2024”**

READ A FIRST TIME this 12th day of December, 2024.

READ A SECOND TIME this 12th day of December, 2024.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

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.

Aimee Watson, Board Chair

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

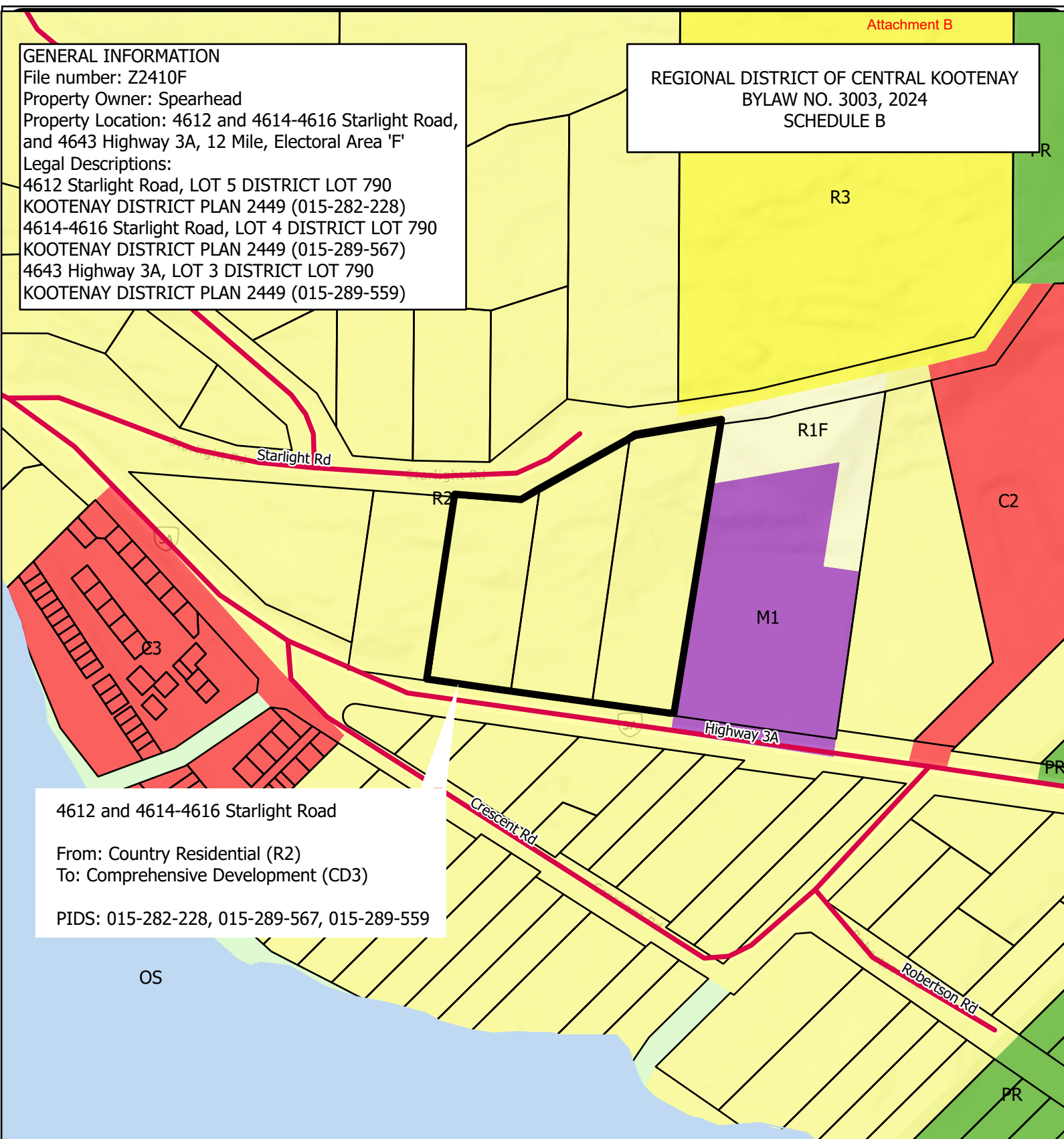
KOOTENAY DISTRICT PLAN 2449 (015-282-228)

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.



Shuswap Band

Project Name:

Bylaw Amendment Application - Z2410F

FN Consultation ID:

Z2410F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Monday, October 28, 2024

October 29, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Bylaw Amendment Application - Z2410F.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the

project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwststsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

ec: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band



Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: [REDACTED]

"This correspondence will not be construed so as to to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory."

November 12, 2024

Attention: Laura Christie

RE: Bylaw Amendment Application - Z2410F

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB's Area of Responsibility as a member of the Syilx. At this time, we defer to the Lower Similkameen Indian Band and Penticton Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard
Referrals Management Clerk
Territorial Stewardship Division
Okanagan Indian Band
12420 Westside Road
Vernon BC, V1H 2A4
Office: [REDACTED]
Cell: [REDACTED]



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

[REDACTED] | www.pib.ca

Telephone: [REDACTED]

Fax: [REDACTED]

Project Name:

Bylaw Amendment Application - Z2410F

FN Consultation ID:

L-241030-Z2410F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Monday, October 28, 2024

October 30, 2024

WITHOUT PREJUDICE

Attention: Laura Christie

File number: Z2410F

RE: 40 (forty) day extension

Thank you for the above application that was received on 2024-10-28.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, snpink'tn (Penticton Indian Band) will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

syilx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Please note that not receiving a response regarding a referral from snpink'tn in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limlæmt,

Maryssa Bonneau

Referrals Coordinator

snpink'tn (Penticton Indian Band)

Natural Resources

email:

office:

address: 841 Westhills Drive

Penticton, British Columbia

Canada V2A 0E8

IN REFERENCE TO RDCK FILE NO. Z2410~~0~~^F

RE; APPLICATION FOR LAND BYLAW AMENDMENT Z2410F/ APPLICANT; BEN HALL, SPEARHEAD

I LIVE NEXT TO THE SAID PROPERTIES LISTED AS LOT A DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 13690. SHARED OWNERSHIP BY MYSELF- MR. EUGENE JOSAY AND MARIA RAVESTEIN. BOTH RETIRED.

I WOULD LIKE TO NOTIFY RDCK OF MY STRONG OPPOSITION FOR ANY CHANGES TO THE LAND USE BYLAW AMENDMENT BY THE APPLICANT.

THE CHANGES WOULD DEVALUE OUR PROPERTY AND FURTHER CHANGE THE RESIDENTIAL STATUS OF THE AREA. THE OWNERS DO NOT LIVE IN THE AREA AND THERFORE HAVE NO INTEREST IN THE AREA EXEPT FOR PROFIT.

SINCERELY EUGENE JOSAY



Zachari Giacomazzo

From: Tom Klein [REDACTED]
Sent: November 17, 2024 9:03 AM
To: Zachari Giacomazzo; Planning
Subject: Response to Spearhead proposal

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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

Hi Zachari,

My name is Tom. I own the property at 4608 Starlight rd. As you know, Spearhead has recently proposed to rezone 3 lots to the East of our property. This new rezoning would make our property the only adjacent property to this new change. I recently had a look at the site plan for the proposal. The scale of this project is significantly more than I expected after reading Spearhead's letter that arrived in the mail a few weeks ago. The impact that this rezoning will have on our property and daily lives is undoubtedly large.

The location of our house on the property and the proposed new industrial structure will make it so we will be living in very close proximity. When I purchased the property, I noted that there was industrial activity several lots to the east. I concluded that there was enough of a buffer there as the lots to the East of us are zoned for residential purposes. Based on this I felt assured that I would never have to live next to an industrial site. Had I known that this proposal was possible, I would have never considered buying this property. Now, it appears that I will be living adjacent to an industrial zoned area. Already, with this proposal in action, the face value and appeal of this property has plummeted. I can't help but feel like we are going to be squeezed out of our quiet neighbourhood. Should this happen, we will have a hard time selling the property for what it *was* worth before this proposal was put forth. The bottom line here is that we do not want to live next to an industrial zoned area. No shielding or fence is going to hide a structure of that size from us. Our house is situated at the edge of a large cliff that looks over the proposed structure that will be similar in size to our entire lot. We already hear noise from the current operations of Spearhead. The noise is minimal as there is lots of space to drown it out. Now that activity will be within 100' of our house. No soundproofing or vegetation is going to drown out that type of noise.

Another major concern is the proximity of our water well to the proposed building site. A significant amount of bedrock will have to be removed in preparation for this new structure. This means blasting the bedrock to remove it. There is a risk here of disrupting the ground water. Our well is within 55' of the new building site. What if our well is affected by this site work?

In conclusion to this initial response, I would like to say that I do not want to hinder any development plans, whether it be residential or commercial. However, the scale of this proposal is gargantuan when you look at the surrounding neighbourhood and area. It is such that it puts us uncomfortably close to this activity. I can't help but feel like it is going to negatively affect our daily lives. So where does that leave us? Where do we go from here? What voice do we have in this? We are just one family that happens to be living very close to someone's multi million dollar dream. Should the project move forward, how can we be compensated for this profound change?

I hope you can address this and we can come to some sort of agreement. Right now I do not know what that is. I would like to hear from you (the RDCK) with what our options are and how they can be mitigated. I feel like our situation is much different than the rest of the neighbourhood. I have also sent an email to Ben Hall, asking him to meet me in person so we can discuss this further, as neighbours.

I hope to hear from you soon,
Tom

Zachari Giacomazzo

From: stardes [REDACTED]
Sent: November 11, 2024 11:34 AM
To: Planning
Cc: [REDACTED]
Subject: re zoning proposal for Starlight road lots.

You don't often get email from [REDACTED] [Learn why this is important](#)

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

To: Zachari Giacomazzo, Planner

Development and Community Sustainability services

R.D.C.K

November 11, 2024

Re: Re-zoning proposal.

We are writing to express our disapproval and disappointment with the re zoning proposal of lots 4612, and 4614 on Starlight road.

When we purchased our property at 4609 Starlight road, in 2001, we did so believing we were establishing ourselves in a residential area. Had we known the zoning was going to change and that the neighboring semi industrial business would expand we would not have purchased it.

We already have experienced a spring summer and fall of extensive dump truck traffic, and blasting, during the first expansion of the Spearhead business. The noise, traffic and dust pollution was high and this was not the kind of peaceful enjoyment life style we expect. Although the business was expanding on its own lot, they used their upper property, which we believe is also zoned residential, to store all the material excavated during their building. We don't believe that this next business expansion will restrict itself only to the lots in question, and that further expansion is likely, as well as the subsequent use of the upper lot. Also the lots on Starlight road both have driveways from that road and Spearhead will likely be accessing their properties from them. It may not be actual shipping and receiving but will necessarily be business related access. This type of traffic is far greater in volume then usual resident traffic. Our residential neighborhood will then be surrounded by a semi industrial business, with its noise, visual and air pollution. The final band of trees separating us from the highway will disappear and the noise and visual impact from the highway will be significant. We will no longer

be residing in a residential neighborhood and the impact of that fact on the value of our home will certainly be negative to say nothing of the quality of the quiet life we had expected when we purchased our property. (We certainly expect that our property taxes should reflect that fact when it unfolds)

We understand and agree that Spearhead is a worthwhile business, mindful of the community with the goal of minimizing the impact of their expansion, but possibly their current location is inadequate. Rezoning the lots on Starlight road opens the door to any other semi industrial business should Spearhead move its location, one that might not be as environmental and community minded. As a mitigating factor we would welcome any guarantee that Starlight road will never be used for industry traffic if such regulation exists and can be enforced.

We see many examples of semi industrial businesses that have been allowed to invade residential neighborhoods in the RDCK district, such as the lumber yard on the upper Balfour road and the usage of Annabelle road by dump trucks to access a gravel pit. This does nothing to build our trust that RDCK has all its residents interests in mind and that, furthermore, they favor business development interests over housing needs, and the right homeowners have to a peaceful and undisturbed home.

Anne Desjardins

Jack Starr

4609 Starlight Road.

[REDACTED]

Zachari Giacomazzo

From: Pedram Sheirzad [REDACTED]
Sent: November 14, 2024 8:38 AM
To: Zachari Giacomazzo
Subject: Application Z2410F

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED] [Learn why this is important](#)

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

Hi Zachari,

What type of glue will they be using for the production of the gluelam beams?

Phenol resorcinol formaldehyde adhesives

are the most common but which glue will they use. These adhesives are highly toxic until they are cured. We live within breathing distance of the glue constantly being cured. What is their method for capturing the fumes before they are released into the atmosphere? How many hours per week will they be venting?

Thanks,
Pedram Sheirzad

Zachari Giacomazzo

From: Ursula Lowrey <[REDACTED]>
Sent: November 26, 2024 2:50 PM
To: Zachari Giacomazzo
Subject: Spearhead rezoning

You don't often get email from [REDACTED] [Learn why this is important](#)

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

Dear Sir,

Regarding the proposed rezoning of three lots adjacent to the Spearhead Advanced Timber facility located at 4655 Hwy 3A, I have some concerns. Since we moved to this residential neighbourhood in 1986, we have seen a number of changes away from its quiet residential character. While Spearhead is not heavy industry, they have created noise and air pollution in the past. While they seem to have remedied these problems now, I am somewhat concerned that additional growth of this facility may cause more noise, air, or water pollution. Our household is dependent on ground water from a shallow well, and the facility is close enough that we are certainly exposed to any noise and air pollution they may emit. My other concern is that all businesses seem to be interested in continuous growth. I sincerely hope that after this current proposal, they will not sprawl farther onto other residential lots. The work they do is innovative and good employment, so as long as they can keep it contained, I shouldn't object.

There is other industrial creep in our neighbourhood. Two lots along Crescent Road have been stripped of their trees and large "shops" or "warehouses" have been erected. Starlight Tool Services at 4655 Crescent Road has piled up much unsightly material in front of the house. 12 Mile Storage has expanded far up the mountainside. Even Kokanee Creek Provincial Park next door has "paved paradise, put up a parking lot" and expanded their campground to within 100 meters of our home.

I realize that this area has very limited flat land to build on. And I don't want to be a "NIMBY". But I would hate to be surrounded by an industrial park since we moved here expecting to live the rest of our lives in a quiet residential neighbourhood.

Thank you for allowing me to express my concerns.

Yours sincerely,
Ursula Lowrey
4718 Robertson Road
Nelson, BC V1L 6N4

Zachari Giacomazzo

From: terry lowrey [REDACTED]
Sent: November 26, 2024 7:20 PM
To: Zachari Giacomazzo
Subject: Re: RDCK FILE NO.; Z2410F

You don't often get email from [REDACTED] [Learn why this is important](#)

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

November 26, 2024

Attention: Zachari Giacomazzo, Planner RDCK

As per our conversation regarding the Spearhead Timberworks proposed rezoning of Country Residential (R2) lots to Comprehensive Development (CD) along Starlight Road and Highway 3A in order to authorize the "expansion" of an existing workshop for custom timber milling: It is not an expansion (as indicated) of the workshop but an entirely new stand-alone structure dwarfing anything presently there. I feel the proposal is not being represented fairly and is misleading in its magnitude.

My main concern with the expansion is the long range but hitherto not discussed plan to use waste wood in a Biomass Cogeneration Plant or Wood Fired Boiler on site. This information came to light in conversation with the owner and the manager of Spearhead. Both devices burn wood to create hot water or steam. Regardless of the industry hype being heaped on them, both are very polluting systems. When wood is used to heat water, the water inevitably cools the combustion chamber temperatures, resulting in incomplete combustion and increased emissions. The pollutants include fine particulate matter (PM), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and a host of other hazardous air pollutants such as arsenic, chromium, mercury, and dioxins/furans.

This is a totally unacceptable development coming from this proposal and therefore unless guaranteed assurance can be given that no Biomass Cogeneration Plant or Wood Fired Boiler will be installed, I must oppose the granting of the rezoning proposal.

If this isn't possible, then I request that RDCK implement guidelines/regulations restricting the use of these devices/systems in residential areas, certainly in the Kokanee Creek/Crescent Beach area. Unlike wood burning stoves for home heating, Biomass Cogeneration Plants generally operate 24/7, compounding the pollution problem year round. The health effects impact the well being of the public at large but particularly those with respiratory illness, heart conditions, asthma, and can even result in birth defects, neurodegenerative diseases and death, among many other health impacts. In general the smoke from these wood burning devices is unhealthy. This is well known and acknowledged by the Ministry of Environment of British Columbia. These devices should be banned outright!

In closing I ask that this concern be addressed and restrictions on installing either a Biomass Cogeneration Plant or Wood Fired Boiler on site be part of the granting of the rezoning application.

Sincerely, Kenneth
Lowrey

Road

C.

4718 Robertson

Nelson, B.

V1L6N4

Zachari Giacomazzo

From: Lisa Bramson [REDACTED]
Sent: November 26, 2024 9:39 PM
To: Zachari Giacomazzo
Subject: Spearhead Zoning application

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Hello,

Thank you for receiving “late “ input. We were waiting for Ted Hall to schedule the site visit he invited us to. We just had the visit and have also walked the proposal areas.

Spearhead has mostly been a decent business in our residential neighborhood. I understand their growth plans and needs. However, the new construction will be 5 times as large as the existing main building. This means removal of trees, which otherwise buffer highway noise. We don't support commercial operations including truck traffic in the residential neighborhood of Starlight Road.

We feel that the people on Starlight Rd who bought property in the middle of a rural residential area would be negatively impacted by the proposed development to the extent that it would no longer allow them to enjoy the rural aspects that existed when they bought the property.

Thank you for considering this input. We live on Robertson Road, off Crescent Road, which is across from the Spearhead site, so this development proposal is in our neighborhood.

Sincerely,

Lisa Bramson and Gusti Callis
4722 Robertson Road
Nelson V1L6N4

Zachari Giacomazzo

From: Ben Hall [REDACTED]
Sent: November 14, 2024 4:59 PM
To: Zachari Giacomazzo
Cc: Ted Hall; Josh Hall; Ken Foot; Noam Ironi
Subject: Fw: Expansion - plant visit
Attachments: LOCTITE HB X PURBOND products (statement VOC content).pdf; GREENGUARD Gold Certification 227797-420_Loctite HB X.pdf

CAUTION

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

Zachari,

See below for a very supportive and enthusiastic follow-up email after Bryon and Sue visited today. They are our neighbours on Starlight Road.

Does this constitute a 'letter of support' or should we request a formal letter?

Regards,
Ben



Ben Hall - Partner, Project Manager

Office [REDACTED]
 Mobile [REDACTED]
www.spearhead.ca



Spearhead respectfully acknowledges that we live, work and play within the unceded traditional territory of the Ktunaxa, the Syilx, and the Sinixt peoples. The information contained herein is confidential and may contain personal or legally privileged information. It is intended only for the addressee(s). Any use, distribution or copying of this information by anyone other than the intended recipient is prohibited. If you have received this communication in error, please notify me by e-mail and delete or destroy any copies of this communication.

From: Ben Hall [REDACTED]
Sent: November 14, 2024 4:54 PM
To: Bryon Brideau [REDACTED] Josh Hall [REDACTED]
Cc: Ken Foot [REDACTED] Ted Hall [REDACTED]
Subject: Re: Expansion - plant visit

Bryon, Sue,

Thank you for taking the time to come and see us today. It was a pleasure meeting you, and I am glad to hear you found the visit worthwhile.

Your engagement, interest, and perspective are certainly appreciated.

Please feel free to reach out as any additional questions come up.

We touched briefly on glues while you were here. I have attached the Greenguard Gold certification as well as a statement from Henkel on the zero VOC nature of the glue. In two weeks, I will be visiting Henkel's main lab in Switzerland as we explore their research on bio-based glues and how we can bring them into practice. Impressive how far the technology has come!

Warm Regards,
Ben

From: Bryon Brideau [REDACTED]
Sent: November 14, 2024 3:40 PM

To: Josh Hall [REDACTED]

Cc: Ben Hall [REDACTED] Ken Foot [REDACTED]

Subject: Expansion - plant visit

Sue and I would like to thank everyone for taking the time to reach out to us and explain what the plant expansion and related activities will entail. We were genuinely impressed by scope and quality of Spearheads work as seen during the tour. Everyone was friendly and very relaxed.

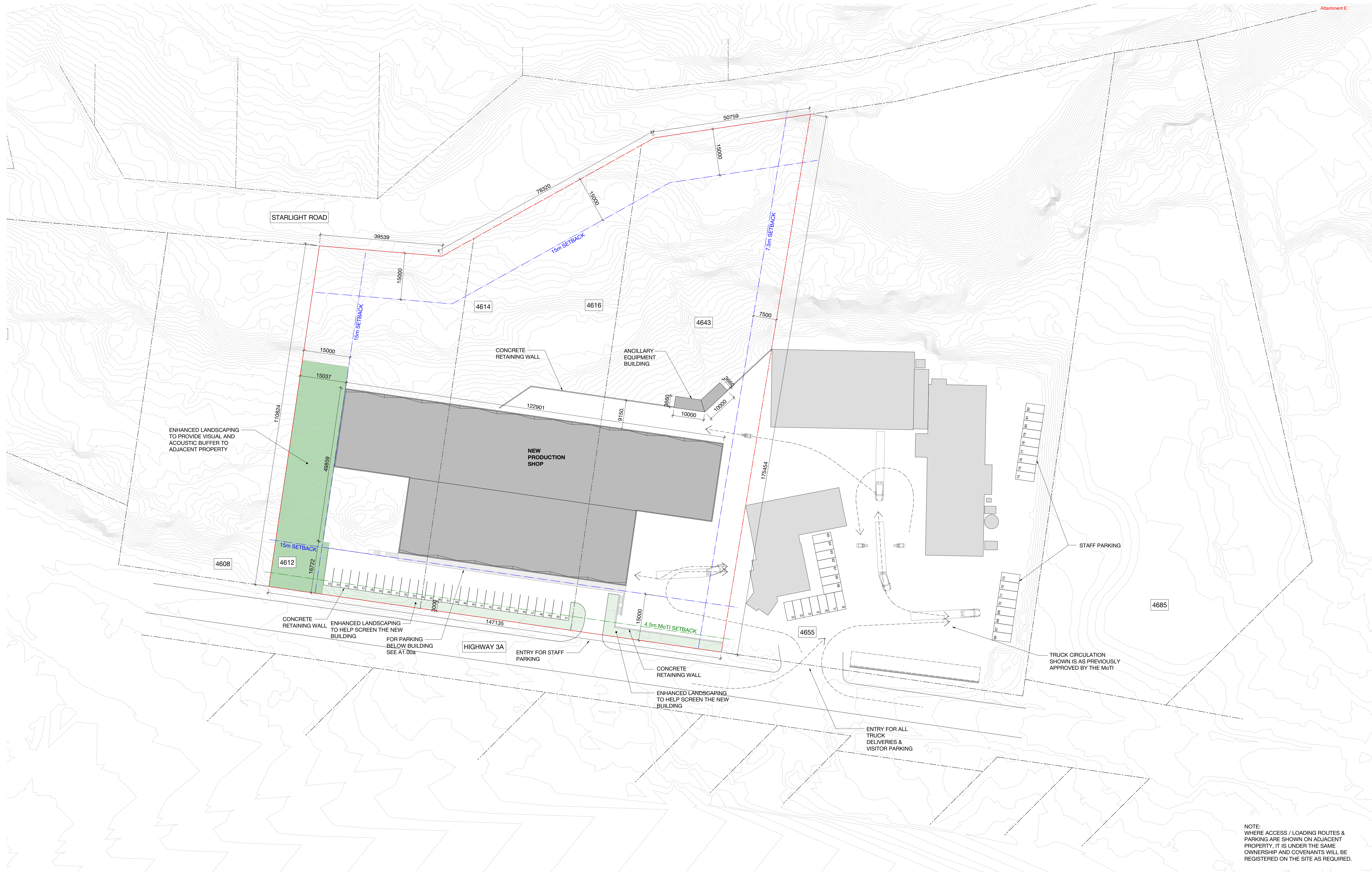
Nice to have a local company that recognizes the importance of the workforce and community. Very European.

Again thanks and if there is anything from our end I could do for your group, it would be my pleasure.

Best regards

Bryon Brideau
Cell [REDACTED]

PS: I did not have Ken's email so please if the address is incorrect forward this note to him.
Sent from my iPad

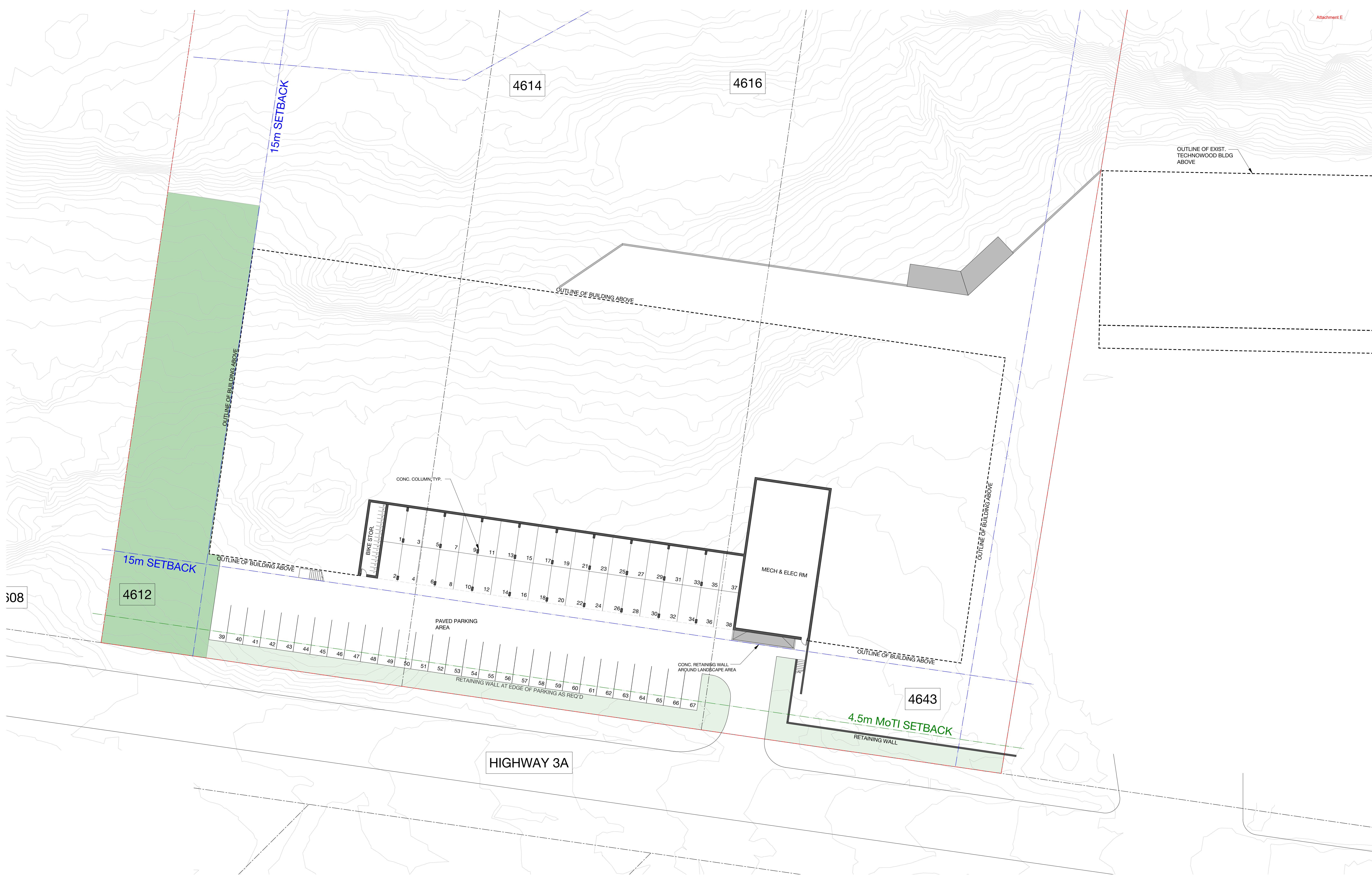


NOTE:
WHERE ACCESS / LOADING ROUTES &
PARKING ARE SHOWN ON ADJACENT
PROPERTY, IT IS UNDER THE SAME
OWNERSHIP AND COVENANTS WILL BE
REGISTERED ON THE SITE AS REQUIRED.





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.



REQUESTED DEVELOPMENT REGULATIONS

Permitted Uses
Land, buildings and structures in the proposed Industrial CD zone shall be used for the following purposes only:

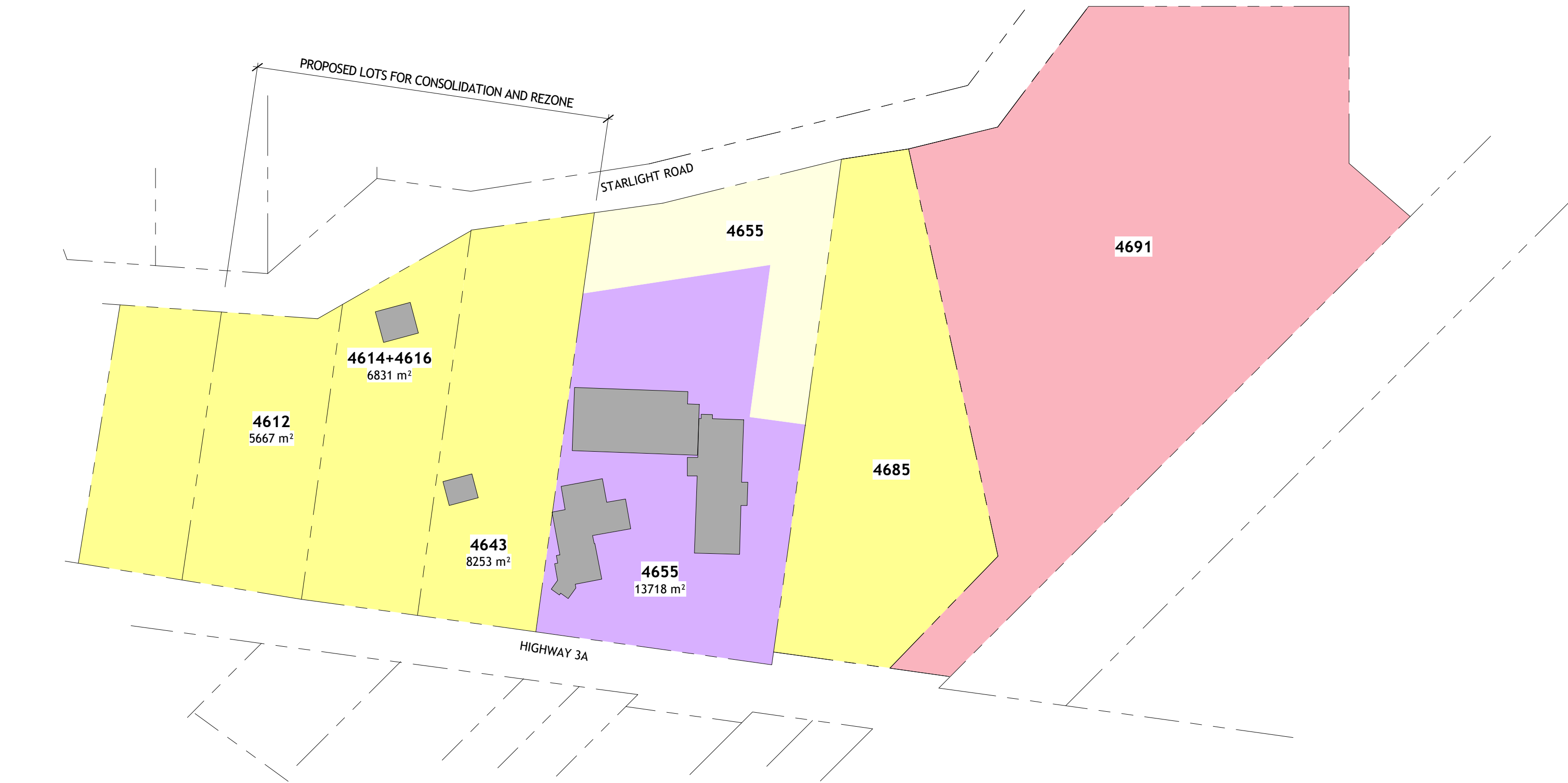
Commercial Workshops:
Machine Shops
Construction, Sales, Repair and Storage of:
Prefabricated Buildings
Wood Product Manufacturing
Office
Day Care Facility

- 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.

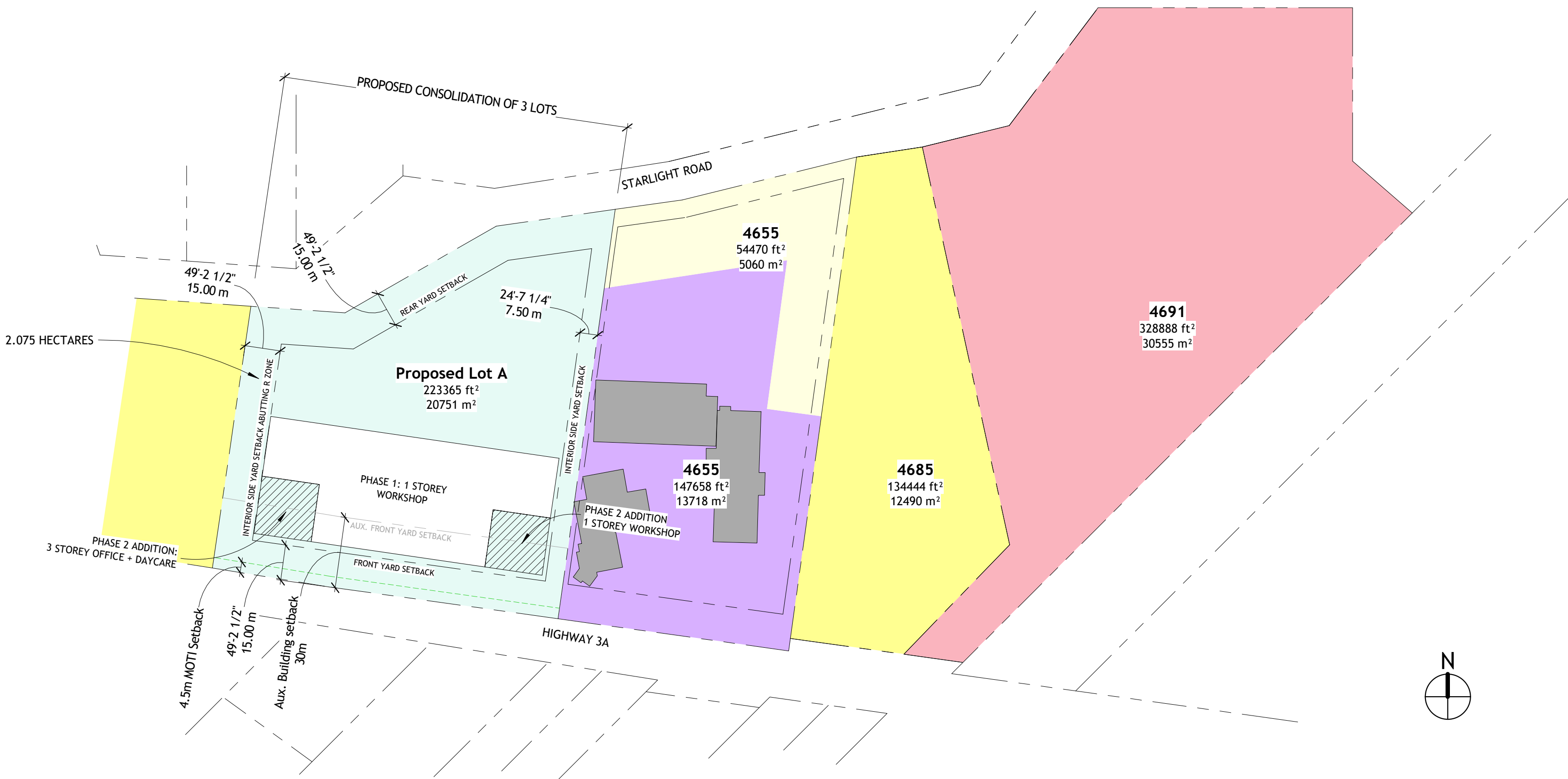
PROJECT DATA		
Legal Description	LOT 5, LOT 4 & LOT 3, PLAN NEP2449, DISTRICT LOT 790, KOOTENAY LAND DISTRICT	
PID	015-282-228/015-289-567/015-289-559	
Land Use	NONE/DUPLEX/SFH	
Development Permit Area	AREA F	
Zoning	Custom Light Industrial (Proposed) - Change from R2	
ZONING REQUIREMENTS		
Item	Required	Proposed
Parcel Size and Coverage		
Parcel Area	20751m2 (2.075 H)	
Parcel Width	146.2 m	
Site Coverage		50%
Principal Buildings		
Setbacks		
front yard		15 m
rear yard		15 m
interior side yard that abuts agricultural or residential		15 m
interior side yard		7.5 m
Height (maximum)		15 m
Auxiliary Buildings		
Setbacks		
front yard		30 m
rear yard		15 m
interior side yard that abuts agricultural or residential		15 m
interior side yard		7.5 m
Height		15 m
Parking		
Number of spaces		
Industrial (7,294m ²)	1.5 spaces per 100m ² of GFA, 1 space/employee plus one for every commercially licensed vehicle for that address (110 total)	1 for every person expected to be working at the facility (30)
Childcare Center (67m ²)	4.4 spaces per 100 m ² GFA (3 total)	1 for every person expected to be working at the facility (2)
Office (1,003m ²)	3.4 spaces per 100m ² of GFA (33 total)	1 for every person expected to be working at the facility (33)
Total	146	65 (+19 for adjacent lot) = 84
Number of accessible spaces	provide one (1) disabled person's parking space for every ten (10) parking spaces required (8 total)	1 for every 100 spaces (per BCBC) x2 2
standard	2.6 m x 5.8 m x 2.2 m (wxdxh) Adjacent to Wall 3.2 m x 5.8 m x 2.2 m (wxdxh)	Abv. Grade 2.75 m x 6 m x 2.2 m (wxdxh) Below Grade 3.05 m x 6 m x 2.675 m (wxdxh) Below Grade (adjacent to wall) 3.2 m x 6 m x 2.675 m (wxdxh)
accessible	2.4 m+1.5m aisle x 5.4 m x 2.2 m (wxdxh)	2.4 m+1.5m aisle x 5.4 m x 2.2 m (wxdxh)
Parking provided for an alternate parcel	Where some or all of the off-street parking is provided on a parcel other than that on which the use, building or structure being served is located, a covenant under Section 219 of the Land Title Act must be registered in the Land Title Office in favour of the Regional District of Central Kootenay against the parcel to be used for parking, reserving the off-street parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists. 19 Spaces to be registered for existing facility <PARCEL A, PLAN NEP2449, DISTRICT LOT 790, KOOTENAY LAND DISTRICT, (BEING A CONSOLIDATION OF LOTS 1 & 2 SEE CA5564282)PID: 029-966-574>	

Zoning Legend

- C2
CD
M1
R1F
R2



1 Existing Zoning.
1 : 1500



2 Proposed Development
1 : 1500

NOT FOR CONSTRUCTION

Attachment E

studio 9

ARCHITECTURE + PLANNING LTD.

1307 TREVOR STREET
NELSON, BRITISH COLUMBIA
V1L 0A4
250.354.3959
WWW.STUDIO9ARCHITECTURE.COM

COPYRIGHT:
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.
OWNER:
NAME OF OWNER HERE

Spearhead Expansion

4655 Highway 3A,
Nelson, BC V1L 6N3

2	241015	Issue for OCP and Zoning Amendment	
1	241010	Proposed CD	
ISSUE	DATE	DESCRIPTION	

REGISTERED ARCHITECT
NELSON P. ROCH
BRITISH COLUMBIA

PROJECT #: 231106
DRAWN BY: AW
CHK'D BY: NR
COPYRIGHT: 2024 STUDIO 9
ARCHITECTURE + PLANNING LTD.

CD Zone

A103

SCALE: 1 : 1500

Zachari Giacomazzo

From: HBE [IH] <HBE@interiorhealth.ca>
Sent: November 27, 2024 10:44 AM
To: Planning
Subject: RE: RDCK Referral - Proposed Bylaw Amendment Application Z2410F

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

Good day Zachari,

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).

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.

Community Planning, Density and Services

Healthy Built Environment (HBE) 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).

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.).

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 or industrial sites 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.

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 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.

Aquifer Search

Basic Search

Search by aquifer name or number (leave blank to see all aquifers)

Advanced Search

☐ Any field match ☒ All field match

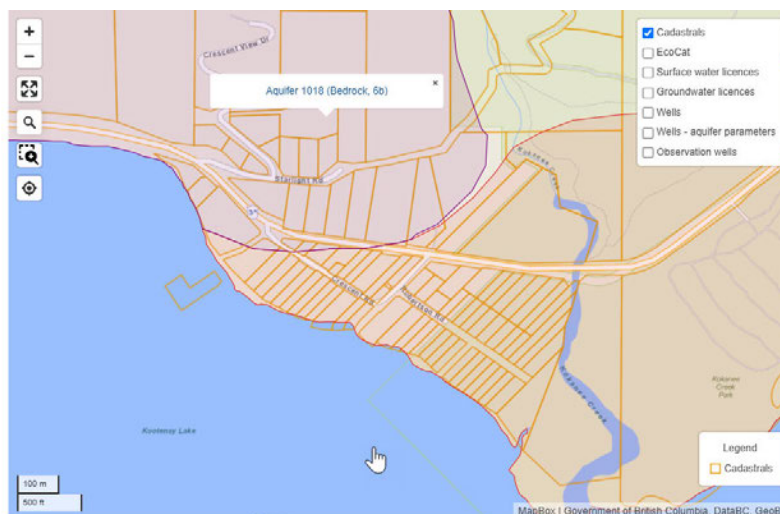
- ☐ Advanced mapping
- ☐ Aquifer notations
- ☐ Aquifer parameters
- ☐ Drilling and operation advisory
- ☐ Groundwater surface water interactions
- ☐ Numerical model
- ☐ Other information
- ☐ Water budget

Search **Reset**

Download all aquifers

[Aquifer extract \(XLSX\)](#)

[Aquifer extract \(CSV\)](#)



Showing 1 to 1 of 1

Aquifer number	Aquifer name	Descriptive location	Material	Litho stratigraphic unit	Subtype	Vulnerability	Size-km²	Productivity	Demand	Year of mapping
1018	1018	Crescent Bay	Bedrock	Granodioritic rock; Nelson Batholith Group; Mesozoic Era	Fractured crystalline bedrock	Moderate	8.4	Moderate	Low	2012

Aquifer Search

Basic Search

Search by aquifer name or number (leave blank to see all aquifers)

Advanced Search

☐ Any field match ☒ All field match

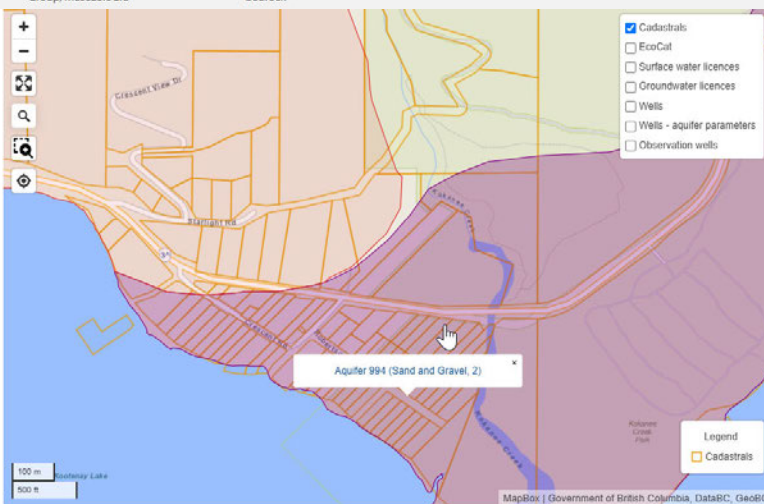
- ☐ Advanced mapping
- ☐ Aquifer notations
- ☐ Aquifer parameters
- ☐ Drilling and operation advisory
- ☐ Groundwater surface water interactions
- ☐ Numerical model
- ☐ Other information
- ☐ Water budget

Search **Reset**

Download all aquifers

[Aquifer extract \(XLSX\)](#)

[Aquifer extract \(CSV\)](#)



Showing 1 to 1 of 1

Aquifer number	Aquifer name	Descriptive location	Material	Litho stratigraphic unit	Subtype	Vulnerability	Size-km²	Productivity	Demand	Year of mapping
994	994	Kokanee Point	Sand and Gravel	Fluvial sand & gravel deposits	Unconfined sand and gravel - deltaic	High	1.2	Moderate	Moderate	2012

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.

If you have any questions or require additional information, or would like to discuss our response further, please feel free to email me directly at hbe@interiorhealth.ca.

Regards,

Mike Adams (he/him/his)

Team Leader, Healthy Community Development
Interior Health

c:

p:

e:

www.interiorhealth.ca



Interior Health

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 Tsilhqot'in Nations where we live, learn, collaborate and work together.

From: Planning <PlanDept@rdck.bc.ca>

Sent: Wednesday, October 23, 2024 2:38 PM

To: Planning <PlanDept@rdck.bc.ca>

Cc:

Subject: RDCK Referral - Proposed Bylaw Amendment Application Z2410F

Caution: This email originated from outside of Interior Health. Do not click links or open attachments unless you recognize the sender, their email address, and know the content is safe. If you suspect this is a phishing or fraudulent email please forward it to spam@interiorhealth.ca.

Good Afternoon,

Attached is a referral package for the above noted file.

Please return your comments, if any, to plandep@rdck.bc.ca prior to November 22, 2024.

Kind regards,

Zachari Giacomazzo | Planner

Regional District of Central Kootenay

Phone: 250.352.8190 | Fax: 250.352.9300

Follow us on [Facebook](#)

rdck.ca