



REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 Lakeside Drive, NELSON, BC V1L 5R4
 ph: 250-352-8165 fax:: 250-352-9300 email: rdck@rdck.bc.ca

RDCK Planning File No. Z2203B
Amendment to CLUB Bylaw No. 2316, 2014
Date: February 28, 2022

You are requested to comment on the attached Amendment Bylaw(s) for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO March 28, 2022). If no response is received within that time, it will be assumed that your agency's interests are unaffected. This referral notice has also been provided to adjacent property owners within 100 metres (328 feet) or greater of the subject property for review and comment.

PURPOSE OF THE BYLAW: To rezone the subject property from Heavy Industrial (M3) to Heavy Industrial (M3) site specific to permit the construction of a residence as a primary use on the subject property. Currently, the M3 Zone only permits one accessory dwelling unit.

The property is bounded by the CP Railway right of way, Tooze Road and the Huscroft sawmill and moulder operation to the north, agricultural land within the ALR (zoned Agriculture Two) and Spruce Road to the east, and properties zoned Heavy Industrial (M3) to the west and south. The northwest portion of the subject site is currently used for log storage with the remainder of the property being vacant land.

LEGAL DESCRIPTION & GENERAL LOCATION:

1107 SPRUCE ROAD, ERICKSON, ELECTORAL AREA 'B'
 LOT 27 PLAN NEP1455 DISTRICT LOT 3864 KOOTENAY LAND DISTRICT EXCEPT PLAN 4790 (015-696-367)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
1.8 hectares (4.41 acres)	N/A	Heavy Industrial (M3)	Industrial (M)

APPLICANT/AGENT:

Justin Storm

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows: "If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

Stephanie Johnson, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

- TRANSPORTATION West Kootenay
 - HABITAT BRANCH
 - FRONT COUNTER BC (FLNRD)
 - AGRICULTURAL LAND COMMISSION
 - REGIONAL AGROLOGIST
 - ARCHAEOLOGICAL BRANCH
 - MUNICIPAL AFFAIRS & HOUSING
 - INTERIOR HEALTH HBE Team, Nelson
 - KOOTENAY LAKES PARTNERSHIP
 - SCHOOL DISTRICT NO. 20
 - WATER SYSTEM OR IRRIGATION DISTRICT
 - UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)
- REGIONAL DISTRICT OF CENTRAL KOOTENAY
- DIRECTORS FOR:
- A B C D E F G H I J K
- ALTERNATIVE DIRECTORS FOR:
- A B C D E F G H I J K
- APC AREA
 - RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
 - RDCK EMERGENCY SERVICES
 - RDCK BUILDING SERVICES
 - RDCK UTILITY SERVICES
 - RDCK REGIONAL PARKS

- FIRST NATIONS
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 - YAQAN NU?KIY (LOWER KOOTENAY)
 - ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 - ?AKISQNUK (COLUMBIA LAKE)
 - ?AQ'AM (ST. MARY'S)
 - OKANAGAN NATION ALLIANCE
 - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
 - K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
 - SNPÍNTKTN (PENTICTON)
 - STQA?TKWƏ?WT (WEST BANK)
 - SUKNAQÍN?X (OKANAGAN)
 - SWÍWS (OSOYOOS)
 - SPAXOMƏN (UPPER NICOLA)
 - SHUSWAP NATION TRIBAL COUNCIL
 - KENPÉSQT (SHUSWAP)
 - QW?EWT (LITTLE SHUSWAP)
 - SEXQELTQÍN (ADAMS LAKE)
 - SIMPCW ((SIMPCW)
 - SKEMTSIN (NESKONLITH)
 - SPLATSÍN (SPLATSÍN FIRST NATION)

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
PLANNING FILE NO.: Z2203B APPLICANT: JUSTIN STORM

Name: Date:

Agency: Title:

RETURN TO: STEPHANIE JOHNSON RPP MCIP, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca

Z2203B Air Photo Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



REGIONAL DISTRICT OF CENTRAL KOOTENAY
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Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

Map Scale:

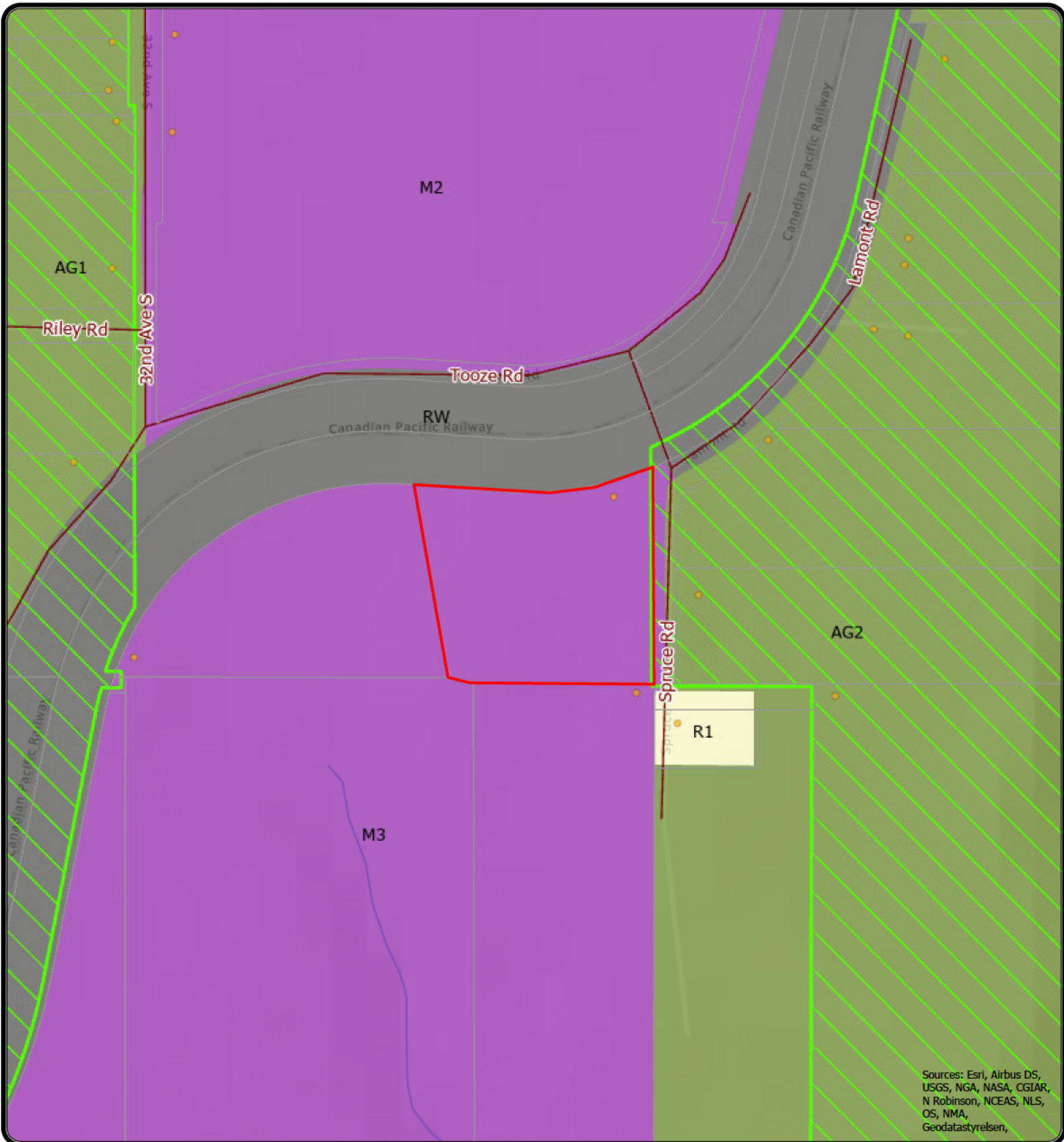
1:4,514

Date: February 28, 2022



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.

Z2203B Zoning Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



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Zoning Class

- Agriculture
- Industrial
- Railway
- Residential 1

Legend

- Agriculture Land Reserve
- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

Map Scale:

1:4,514

Date: February 28, 2022



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J.H. Huscroft Ltd.



January 19th, 2022

Proposal Summary

Re: Bylaw Amendment (Zoning)

Property in Question.

1107 Spruce Rd. Lot 27 Plan NEP1455 District Lot 3864 Land District 26 Except Plan 4790

PID: 015-696-367

Requested Zoning Variance/Exemption

Looking to obtain a site-specific zoning exemption that would allow the above property to remain zoned M3 Industrial but allow construction of a one-family dwelling.

History:

I am the 100% shareholder of J.H.Huscroft Ltd. in Creston BC (sawmill, planer mill, and Reman operations),

I am a long time employee of J.H.Huscroft Ltd and purchased the company from the Huscroft family in 2013.

J.H.Huscroft Ltd owns the above property in question and it is located adjacent to our seasonal overflow log-yard operations.

Because of its location, Terrain, and as well as the proximity to the neighbouring properties, we currently do not use this yard for any industrial uses.

If zoning allows, I would like to personally purchase the property off J.H.Huscroft Ltd. and construct a one-family dwelling for my own residence.

This location would be ideal for my primary residence as the proximity would help me protect the companies' assets from unexpected threats such as wildfires, vandalism, etc., Also, allow me to quickly respond to other emergency and non-emergency calls that I am responsible for.

Property in Question

The Property is a 4.41 acre square shaped parcel.

Consists of a horseshoe shaped area surrounding an elevation drop in the center of the property.

Property is approx. 12 meters higher in elevation then the surrounding log yard property.

Because of the elevation change in the lot it makes it difficult for our log loaders to utilize this area.

The only real suitable portion for log storage is the lower portion of the lot. However, In 2013 when I purchased J.H.Huscroft Ltd, the property to the south was not included in the sale.

This restricts easy access to the property from the rest of our lower log yard.

Surrounding Properties

North

CP Rail line, Tooze Road, Then J.H.Huscroft Ltd main mill site with log yard

East

Spruce Road. Agriculture zoning across the spruce road, east properties contain mainly residential dwellings, along with Red-Bird Winery.

South

9-acre parcel. zoned M3 industrial. Top 3 acres leased out as a cherry orchard. Bottom 3 acres are steep banks to the goat river. Previously owned by J.H.Huscroft Ltd. Was not included in mill sale in 2013.

West

Owned by J.H.Huscroft Ltd, zoned M3 industrial.

12m elevation drop down to grassy area. Portion of this yard is fill from prior years (refuse permit PE2636). Area was final graded and Hydroseeded for erosion control in spring of 2021

Next is J.H.Huscroft Ltd lower log overflow yard. This yard is only used in high log inventory situations. J.H.Huscroft Ltd purchased a High deck log loader in 2018 which has allowed more log inventory to be stored in its top log yard. This was purchased for greater efficiency and less handling of the logs. Due to this fact this lower log yard portion is not as required as much as it has been in the past.

M3 Industrial with Site specific zoning. vs Zoning Residential

I would like to have the property remain zoned Industrial In case any unforeseen circumstances arise that would prevent the transfer/sale of the property and or the construction of a dwelling. The property then if needed could continue to be used by J.H.Huscroft Ltd for industrial purposes.

Thank you,

Justin Storm



31.0 HEAVY INDUSTRIAL (M3)

Permitted Uses

1. Land, buildings and structures in the Heavy Industrial (M3) zone shall be used for the following purposes only:
All uses permitted in the M1 and M2 zones
Asphalt Plant
Concrete and Cement Manufacturing and Storage
Landfill
Waste Management Facilities
Accessory Uses:
 - Accessory Buildings or Structures
 - one dwelling unit
 - business office

Development Regulations

2. The minimum site area for each permitted use shall be three (3) hectares.
3. The maximum site coverage permitted shall be 75 percent of the lot area unless otherwise approved by the Ministry of Health.
4. No building or structure except a fence may be located within:
 - a 15 metres of the front or exterior side lot lines;
 - b 4.5 metres of the rear or interior side lot lines; or
 - c 25 metres of a rear or interior side lot line that abuts an agricultural or residential zone.
5. No equipment or machinery that grades, washes, or crushes primary mineral resources shall operate or no concrete batch plant or asphalt processing plant shall be located within 75 metres of any lot line that abuts a residential zone.
6. The maximum height of any structure on a lot shall be 15 metres.
7. Landscaping shall comply with all requirements of section 16.0 (94 to 107).