

Bylaw Amendment Application

Referral Form – RDCK File Z2303K

Proposed Amendment to OCP Bylaw No. 2022, 2009 and Zoning Bylaw No. 1675, 2004

Date: May 4, 2023

You are requested to comment on the attached BYLAW AMENDMENT APPLICATION for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO JUNE 5, 2023). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PRESENT USE AND PURPOSE OF THE BYLAW AMENDMENT:

The subject property is located on the north side of Highway 6 approximately 3 km east of the Village of Nakusp. The property is currently used as a residence, a farm and a repair shop for motor vehicles and farm equipment. The applicant has indicated that the existence and operation of the repair shop likely predates the zoning regulations for Electoral Area 'K', this has not been confirmed by the Planning Department.

The purpose of the proposed Bylaw Amendment is to allow the property owner to establish a "Concrete and Cement Manufacturing and Storage" (concrete batch plant) use on the subject property which is currently zoned Rural Residential 'K' (R3K). The concrete batch plant has been operating at 848 Highway 6 for a number of years which is approximately 300 metres west of the subject property. The proposed amendment involves rezoning a 0.5 hectare portion of the subject property to a site specific Heavy Industrial (M3) zone in order to permit "Concrete and Cement Manufacturing and Storage". The proposed "site specific" M3 zone would address a reduction of the minimum site area requirement from 3 hectares to 0.5 hectare and a reduction of the setback from a concrete batch plant to a lot line that abuts a Residential zone from 75 metres to approximately 18 metres.

If successful with this application to amend Area 'K' Official Community Plan Bylaw No. 2022, 2009 and Zoning Bylaw No. 1675, 2004 an Industrial Development Permit Application would be required prior to conducting any site works or establishing the concrete batch plant on the subject property.

LEGAL DESCRIPTION & GENERAL LOCATION:

948 Highway 6, Rural Nakusp, Electoral Area 'K'

LOT 1 DISTRICT LOT 398 KOOTENAY DISTRICT PLAN 17803 EXCEPT PLAN NEP90926 (PID: 010-445-609)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
5.9 ha (14.6 acres)	N/A	Rural Residential K (R3K)	Rural Residential (R3)

APPLICANT: Kelly Hascarl

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 permit.

**ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- TRANSPORTATION West Kootenay
- HABITAT BRANCH
- FRONT COUNTER BC (FLNRORD)
- AGRICULTURAL LAND COMMISSION
- REGIONAL AGROLOGIST
- ENERGY & MINES
- MUNICIPAL AFFAIRS & HOUSING
- INTERIOR HEALTH HBE Team, Nelson
- KOOTENAY LAKES PARTNERSHIP
- SCHOOL DISTRICT NO.
- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)
- ARCHAEOLOGY BRANCH

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

- 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?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 (OKANAGAN)
 - SPAXOMƏN (UPPER NICOLA)
- SHUSWAP NATION TRIBAL COUNCIL
 - KENPÉSQT (SHUSWAP)
 - QW?EWT (LITTLE SHUSWAP)
 - SEXQELTQÍN (ADAMS LAKE)
 - SIMPCW ((SIMPCW)
 - SKEMTSIN (NESKONLITH)
 - SPLATSÍN (SPLATSÍN FIRST NATION)
 - SKEETCHESTN INDIAN BAND
 - SKW'LAX TE SECWEPENCUL'ECW

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
FILE: Z2303K APPLICANT: KELLY HASCARL

Name:

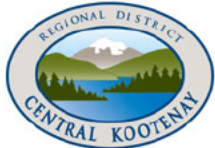
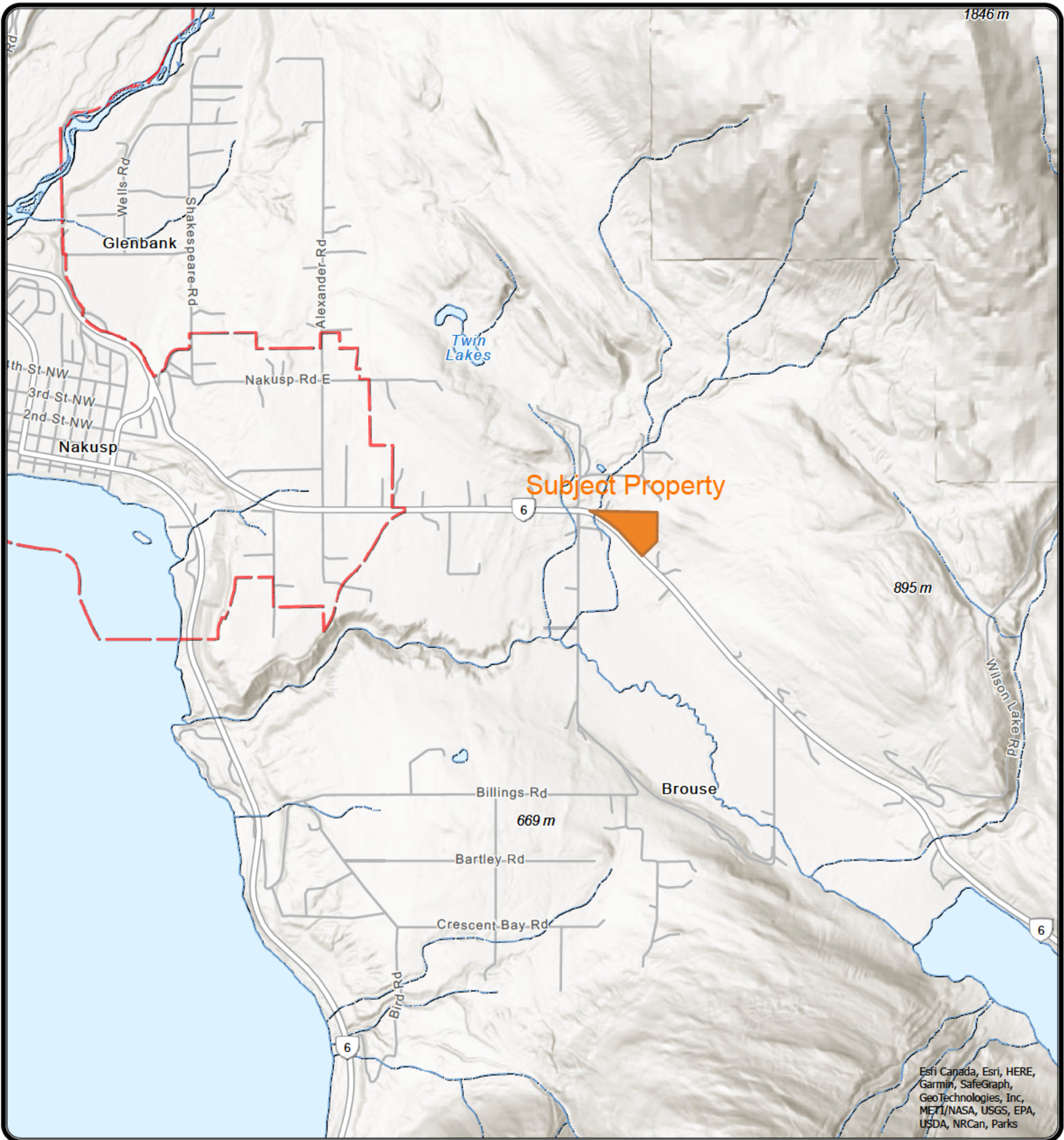
Date:

Agency:

Title:

RETURN TO: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

Z2303K - Location Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

- Streams and Shorelines
- ▭ Electoral Areas

Map Scale:

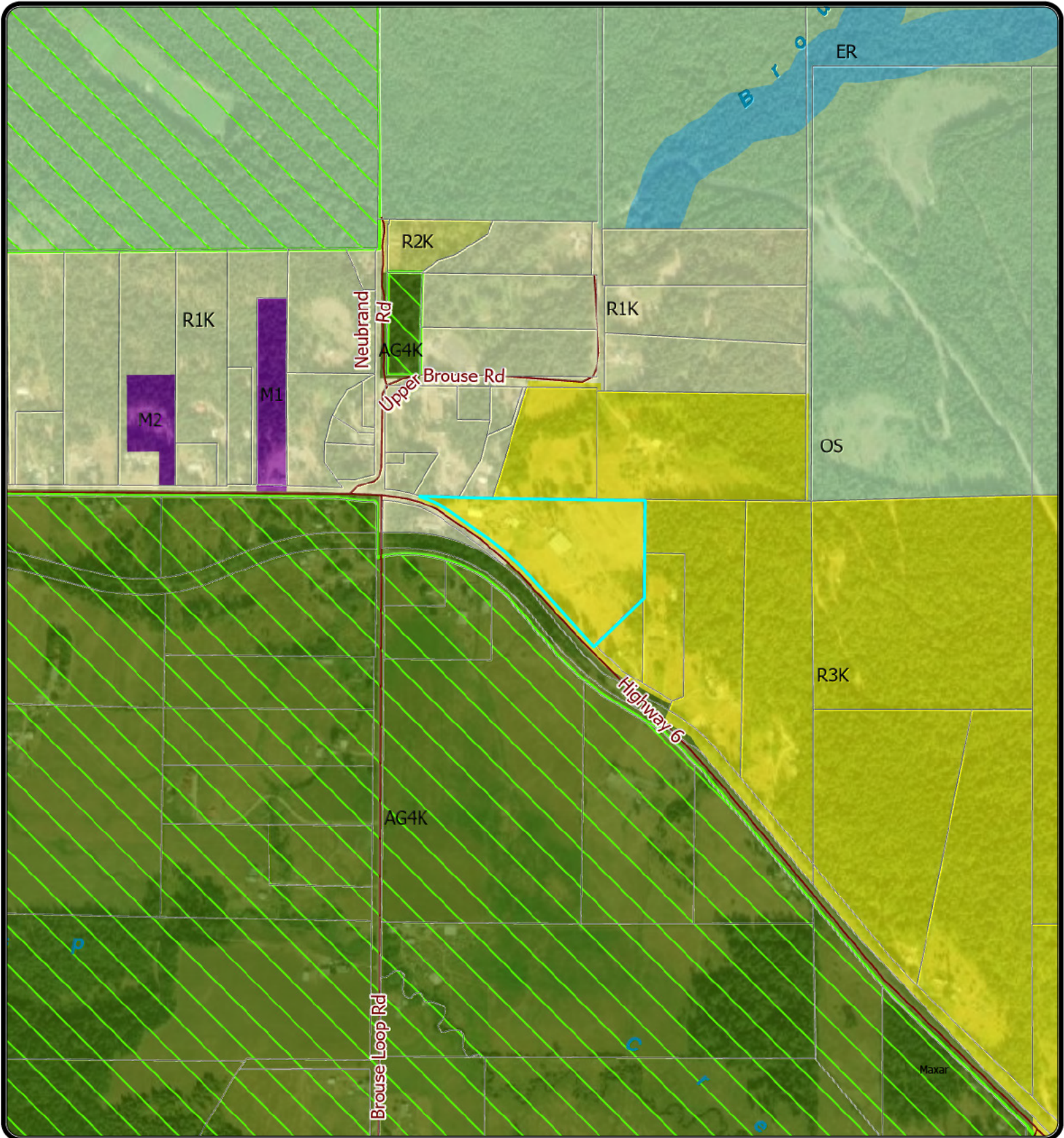
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Date: May 4, 2023



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.

Z2303K - Zoning Map



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

Zoning Class

- Agriculture
- Environmental Reserve
- Industrial
- Open Space
- Residential 1

Legend

- Residential 2
- Residential 3
- Agriculture Land Reserve
- Electoral Areas
- RDCK Streets
- Cadastre

Map Scale:

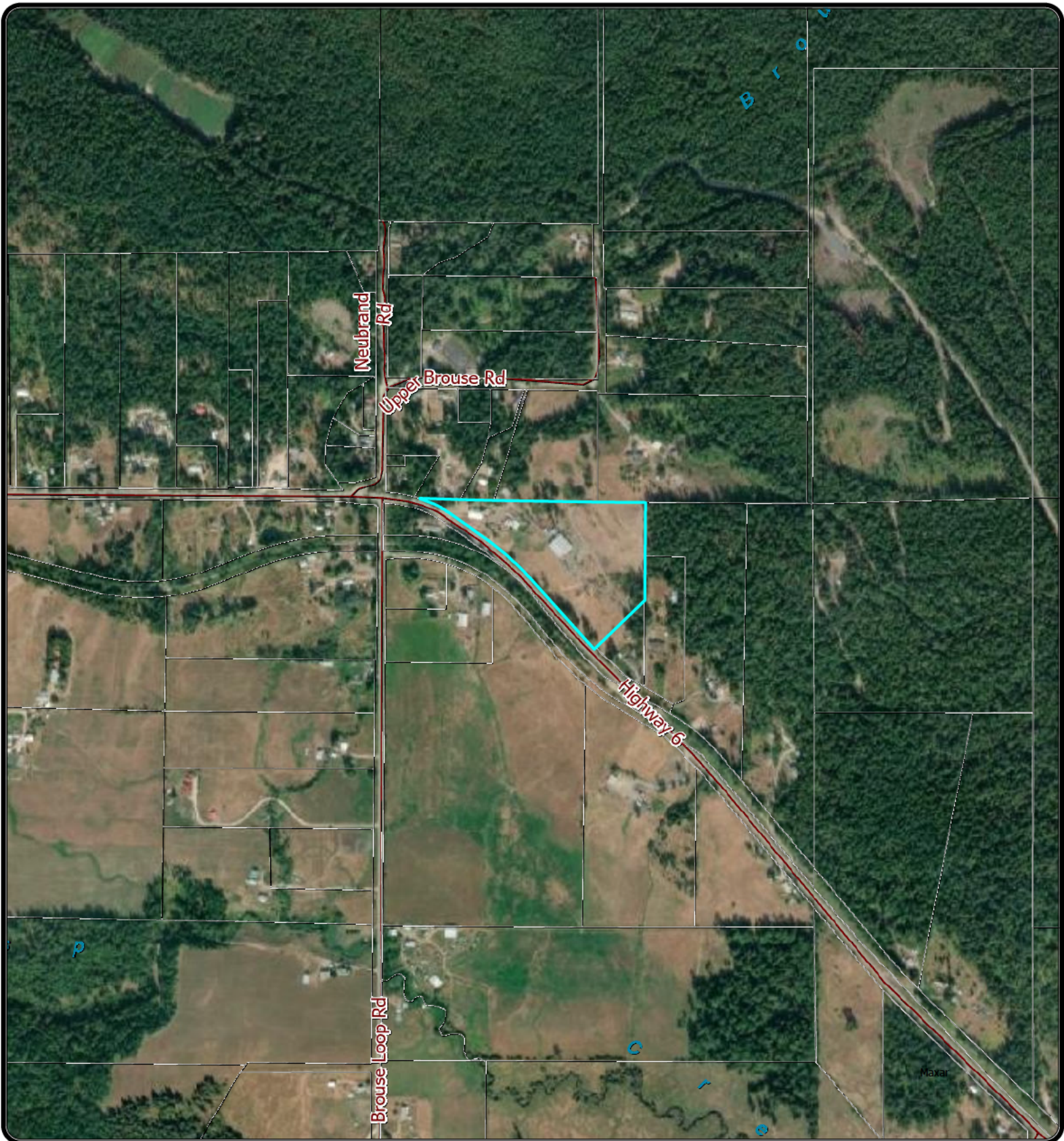
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Date: May 4, 2023






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Z2303K - Location Map



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Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

-  Electoral Areas
-  RDCK Streets
-  Cadastre

Map Scale:

1:15,000

Date: May 4, 2023



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.

Z2303K - Site Context Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY
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 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

Legend

- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:4,000

Date: May 4, 2023



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.

Development Application Proposal Summary

Proponents: Kelly Hascarl (owner- Nakusp Redi Mix) & Neil Hascarl

Type of Development: Site for Concrete Batch Plant (M3)

Project Location: 948 Highway 6, Nakusp, BC

Development Application Type: Bylaw Amendment (Zoning)

Nakusp Redi Mix is a local concrete business that has been located at 848 Highway 6, for the last 47 years. Storing sand and gravel in order to mix it with water and cement for final product and ultimately in the end, pouring concrete. This business serves the Arrow Lakes and Slokan Lake areas.

Nakusp Redi Mix is a small-scale operation that is looking to relocate its batch plant east 340 meters, to 948 Highway 6. With this move the subject property would need to be rezoned from R3K to M3.

Property Information

Electoral Area: Area K

Civic Address: 948 Highway 6, Nakusp, BC, V0G 1R1

Legal Description: Lot 1, Plan NEP17803 D.L. 397, Kootenay Land District, Except Plan NEP90926

PID #: 010-445-609

Property Area: 14.56 acres (5.89 hectares)

Existing Land Use: R3K- Rural Residential K

Adjacent Zones: R1K - Suburban Residential K, R3K - Rural Residential K, AG4K - Agriculture 4K

Proposed Land Use: M - Industrial

Proposed Zoning: M3 – Heavy Industrial

M3 – Heavy Industrial

Permitted Use: Concrete Manufacturing. Sand, gravel and cement storage.

Accessory Uses: Repair shop (private). One Dwelling Unit. Accessory Buildings and structures.

Minimum Site Area: 3 Hectares

Maximum Site Coverage: 75% of lot area, unless otherwise approved by Interior Health

Setbacks: - 15 meters of the front or exterior side lot lines,

- 4.5 meters of the rear or interior side lots, or

- 25 meters of a rear or interior side lot line that abuts an agricultural or residential zone.
- no batch plant shall be located within 75 meters of any lot line that abuts a Residential zone.

Maximum Height: 15 meters

Landscaping: Provision of plant screening (with shrubs) and a privacy fence if necessary.

- a) To provide screening along the residential boundary, in the form of a privacy fence or hedge not less than 1.5 m. high and installed in such a way that no person shall be able to see through it.

Zoning Amendment – Proposed Use

The subject property is presently zoned R3K (see attached) and it is not in the ALR. A zoning change to M3 is necessary for the scope of work to be carried out on this property.

In addition to changing the zoning to M3 Heavy Industrial, Nakusp Redi Mix would like to add a "Site Specific" addition to the M3 zone, that would give this property the flexibility to operate on a smaller portion of land, ½ a hectare with reduced setbacks for the batch plant down from 75 meters to 25 meters from a residential zoned property. With a smaller sized operation, such as Nakusp Redi Mix and the operator's willingness to reduce the working hours, the applicants are hopeful that their application will be considered.

The proposed land use at this location: is to store sand & gravel in order to mix with cement & water, to produce concrete - a batch plant. The application is only asking for a portion of the subject property to be rezoned. There would be no rock crushing or washing of gravel at this location.

With the change in zoning there would be very little change in the noise level on the property.

Many of the neighbouring properties would hear the same, if not less, noise from this relocation.

No new permanent buildings would be constructed, to carry on with this new business. One portable 10 ft. X 10 ft. shed would be built, for controls.

The batch plant at 848 Highway 6 (present location for 47 years) currently utilizes and operates on a 1/3 of a hectare of land.

Traffic / Parking Study

The owners have been using the driveways at this location for over 50 years and this is their summary: Entering and exiting this property has not been an issue, as the day-to-day use of the property has heavy vehicle traffic with the owners' private logging and farming equipment. The posted speed on Highway 6 at this location is reduced to 60 Km per hour and the site lines are excellent for highway access. There is ample parking on this property for the necessary vehicles that would be used in the batching of concrete.

Kelly Hascarl
Neil Hascarl

[REDACTED]
[REDACTED]
[REDACTED]

March 28, 2023

RDCK
Box 590
202 Lakeside Drive
Nelson, BC V1L 5R4
e-mail: info@rdck.bc.ca

Dear RDCK Board of Directors,

Re: Zoning Amendment Application for a Portion of: 948 Highway 6, Nakusp, B.C.

Legal Description: LOT 1 PLAN NEP17803 DISTRICT LOT 398 KOOTENAY LAND DISTRICT EXCEPT PLAN NEP90926. PID # 010-445-609.

This letter is being written with regard to the above-mentioned property, owned by myself and my father Neil Hascarl, to support our zoning amendment application.

The subject property is 14.56 acres and presently zoned Rural Residential K, (R3K). Our application is asking for the northeast corner (approx. 1 hectare) of the property to be rezoned to Heavy Industrial (M3). Please see the shaded area, on the attached map.

In 2022, I purchased the Nakusp Redi-Mix concrete business from David Weatherhead, located at 848 Highway 6, zoned Light Industrial (M1), with the mutual understanding that I would move the batch plant and concrete operations in 1 year. I have since been searching for an appropriate location to set up the business, to no avail. The present location of the batch plant (848 Highway 6) is only 340 meters down Highway 6, to the west of the application property. The 848 Highway 6 batch plant location has been operating here for 47 years with minimal complaints and is using less than a 1/3 of hectare of land, of the 5-acre parcel for said concrete business.

The application property is and has been used as a residence, a farm and a logging contractor's vehicle repair shop, for over 50 years, well before there was any zoning in the area. The property itself has been in the Hascarl family for almost 100 years. The workshop portion of this property (approx. 1/2 hectare) has a 375 sq. m. workshop and has been used to repair and rebuild farming and logging equipment over the last 50 years. The present use is likely grandfathered to the property.

A change to M3 zoning around the shop area would make perfect sense as this present use has been ongoing for over 50 years, with few complaints from the immediate neighbours.

Industrial land in the Nakusp area is minimal and is in danger of decreasing, as some local business persons are lobbying for more residential property due to near zero availability of rental properties and building lots in the area. This is in itself, a strong argument to approve our zoning amendment application. Perhaps, if Dave Weatherhead is agreeable, a transfer of the Industrial zoning of his property to ours, for the exact same use, would be a possibility? If the Village of Nakusp or the RDCK had land available (at a competitive price) for Industrial use, I would be very interested.

In closing, we would like to point out that there would be little change with the present use of our property, and the new use including the Nakusp Redi-Mix operations. We are willing to work with the neighbours and the RDCK in order to resolve this dilemma. We are agreeable to reduced working hours, keeping the rock crusher at my gravel pit, located 14 km north of Nakusp, and perhaps constructing a sound-absorbing fence, if required, which would help to mitigate noise and dust.

It has recently been brought to my attention through a RDCK staff member, that there may be a way to create a separate (modified) zone that could accommodate a smaller scale operation, such as one that I propose to operate. If this is correct, I am very interested in working with the RDCK, to create such a zone.

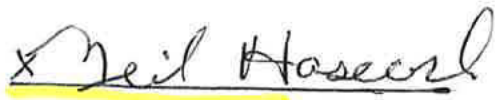
For more information, please contact me, Kelly Hascarl, at cell Ph. # [REDACTED]

Thank you for your consideration.

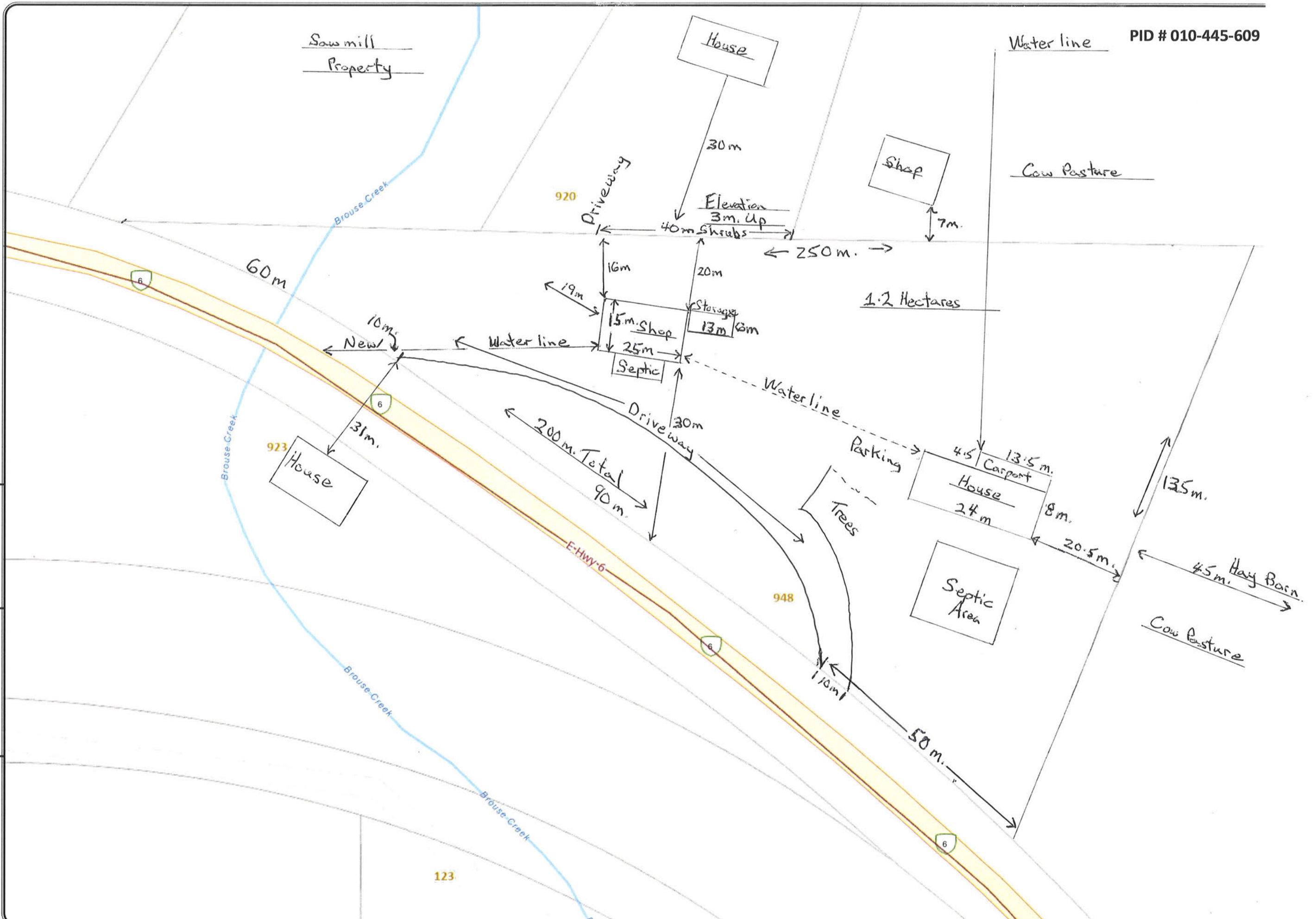
Yours truly,

A handwritten signature in black ink, appearing to read 'Kelly Hascarl', is written over a horizontal line. The signature is stylized and includes a large flourish.

Kelly Hascarl

A handwritten signature in black ink, appearing to read 'Neil Hascarl', is written over a horizontal line. The signature is stylized and includes a large flourish.

Neil Hascarl

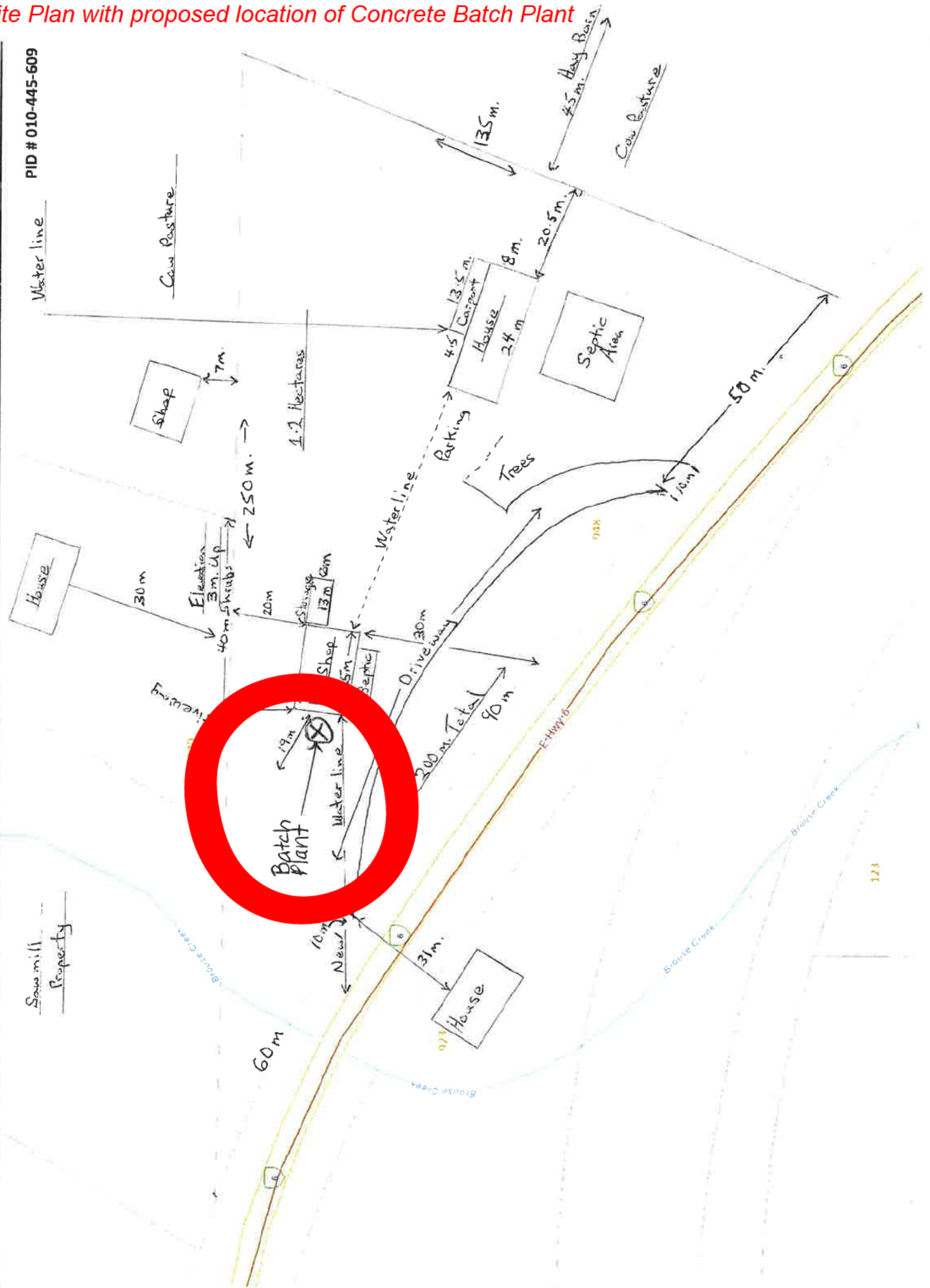


Site Plan with proposed location of Concrete Batch Plant

LOT 1, PLAN NEP17803, DISTRICT LOT 398, KOOTENAY LAND DISTRICT, EXCEPT PLAN NEP90926

948 Highway 6, Nakusp, BC, V0G 1R1

Water line PID # 010-445-609



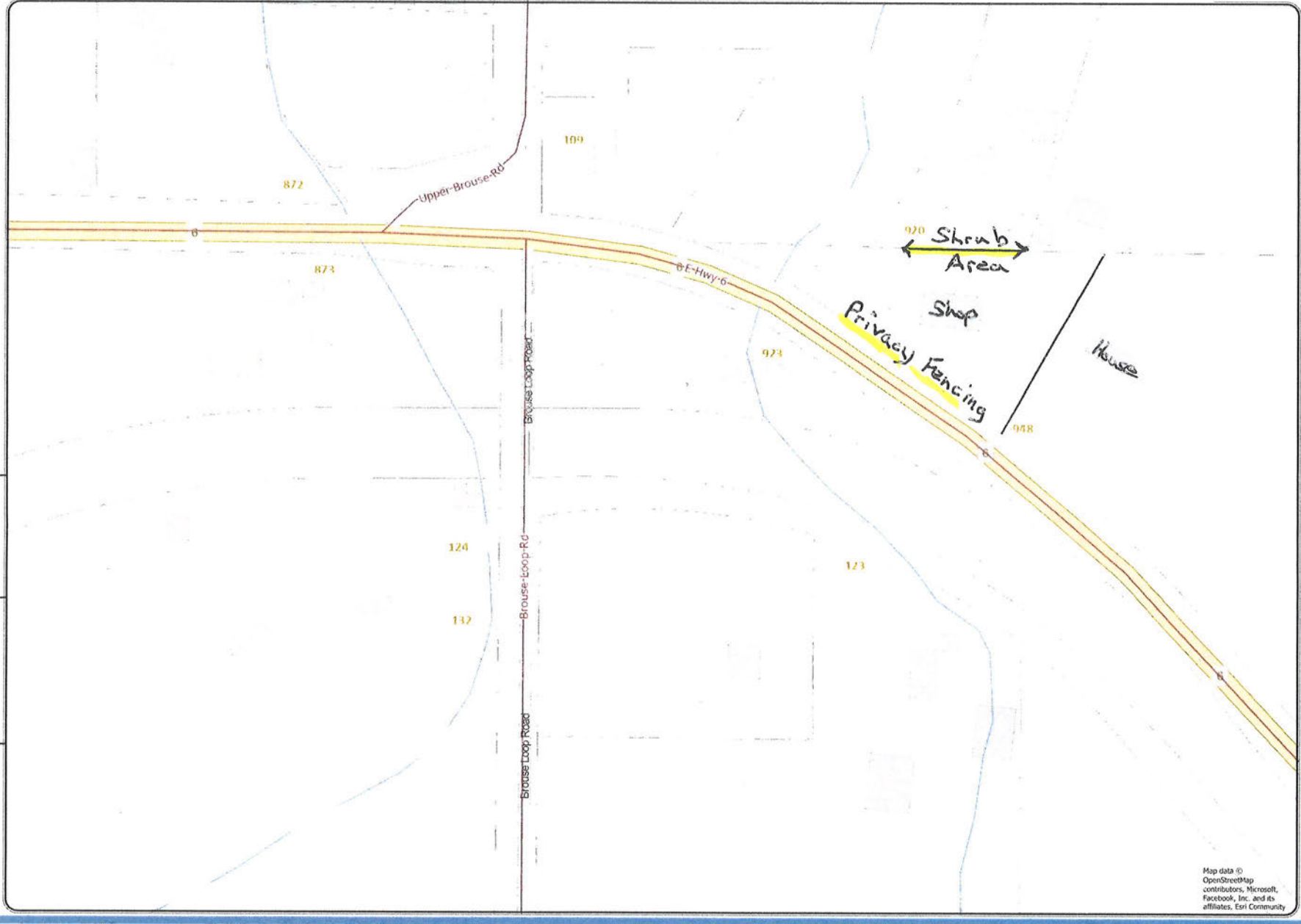
Sawmill Property

123

Landscape Plan

LOT 1, PLAN NEP17803, DISTRICT LOT 398, KOOTENAY LAND DISTRICT, EXCEPT PLAN NEP90926

948 Highway 6, Nakusp, BC, V0G 1R1



1/2 Hectare

948 Highway 6, Nakusp, BC, V0G 1R1



Old & New Batch Plant Locations



Current Zone

DIVISION 17 RURAL RESIDENTIAL K (R3K)

Permitted Uses

1700 Land, buildings and structures in the Rural Residential K (R3K) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Veterinary Clinics

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Keeping of Farm Animals

Small Scale Wood Product Manufacturing subject to Section 1702

Temporary Guest Accommodation subject to Section 1703

Development Regulations

1701

- 1 The minimum site area for each permitted use shall be two (2) hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 5 Despite Section 1701(1), a manufactured home on a non-permanent foundation may be permitted in addition to a one-family dwelling.
- 6 *Deleted by Bylaw 2757.*
- 7 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 8 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.

- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 10 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 11 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

Small Scale Wood Product Manufacturing

1702 A small scale wood product manufacturing operation is subject to the following requirements:

- 1 The minimum parcel size shall be 2.0 hectares.
- 2 The sawmill is limited to a band sawmill powered by an engine of no more than 42 Horsepower.
- 3 The property owner will continue to reside in the principal residence on the property.
- 4 Despite the site area requirements detailed elsewhere in the R3K Zone, the maximum area used for a small scale wood processing business, including external storage shall not exceed 0.4 hectares.
- 5 Any portion of a property used for a small scale wood product manufacturing use shall be located a minimum of 30 metres from any property line.
- 6 No more than three (3) persons who are not residents of the principal dwelling may be employed in the business.
- 7 External storage of materials, mill and other equipment, finished product and parking shall be screened from view from adjacent residential uses and road right-of-ways with a landscape screen of no less than 1.8 metres in height.
- 8 No commodities may be offered for sale except those produced on the premises.
- 9 There shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference or emissions other than that normally associated with a dwelling.
- 10 Operation of the sawmill shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday.

- 11 There shall be no operation of the small scale wood product manufacturing operation on Sundays or Statutory Holidays.
- 12 Access to the small scale wood products manufacturing site shall minimize the impact of any related traffic on neighbouring properties and have approval from the applicable authorities.
- 13 Any sawmill operation under this section may be subject to an annual inspection to ensure compliance with the zoning bylaw.

Temporary Guest Accommodation

1703

- 1 Subject to compliance with the requirements of the Interior Health Authority for sewage disposal and water supply, two (2) cabins per lot for the temporary accommodation of guests is permitted as an accessory use to a one-family or two-family dwelling subject to the following:
 - a. the minimum site area for the guest cabin shall be 1.4 hectares; and
 - b. a maximum gross floor area for a cabin of 100 square metres.
- 2 Subject to section 1703(1), a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot and recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle, and a recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.
- 3 The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 4 Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.
- 5 Temporary Guest Accommodation cabins or recreational vehicles shall not be used as rental accommodation.
- 6 A Temporary Guest Accommodation use and an Accessory Tourist Accommodation Use cannot be operated on the same lot at the same time.

Proposed Zone

DIVISION 42 HEAVY INDUSTRIAL (M3)

Permitted Uses

4200 Land, buildings and structures in the Heavy Industrial (M3) zone shall be used for the following purposes only:

All Uses Permitted in the Light Industrial (M1) and Medium Industrial (M2) Zones

Asphalt Plant

Concrete and Cement Manufacturing and Storage

Landfill

Waste Management Facilities

Accessory Uses:

 Accessory Buildings and Structures

 Business Office

 One Dwelling Unit

Development Regulations

4201

- 1 The minimum site area for each permitted use shall be three (3) hectares.
- 2 The maximum site coverage permitted shall be 75 percent of the lot area unless otherwise approved by Interior Health.
- 3 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.
- 4 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.
- 5 The maximum height of any structure on a lot shall be 15 metres.
- 6 Landscaping shall comply with all requirements of sections 621 and 622.
- 7 An Industrial Development Permit is required for developments on Industrial zoned land.