



REGIONAL DISTRICT OF CENTRAL KOOTENAY

DEVELOPMENT PERMIT REPORT

DATE OF REPORT: December 15, 2016
DATE & TYPE OF MEETING: 15/12/2016 Choose Meeting Type Here
AUTHOR: Meeri Durand, Planning Manager
SUBJECT: DEVELOPMENT PERMIT (CANADIAN FOREST PRODUCTS)
FILE: 4260-20-DP1608A-06025.000

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to recommend the issuance of an Industrial Development Permit as required under the *Electoral Area A Comprehensive Land Use Bylaw No. 2315* for properties located at 993 Duck Lake Road, 1071 Mill Road, 1066 Duck Lake Road, 1055 Mill Road and 1140 Winlaw Road commonly referred to as Wynn Wood Operations; a subsidiary of Canadian Forest Products in the community of Wynndel at the southern portion of Electoral Area 'A'.

SECTION 2: BACKGROUND / ANALYSIS

Owner: Canadian Forest Products Ltd.

Applicant: Peter Ward, Ward Engineering and Land Surveying Ltd.

Location: 993 Duck Lake Road, 1071 Mill Road, 1066 Duck Lake Road, 1055 Mill Road and 1140 Winlaw Road

Electoral Area: A

Legal Descriptions:

A portion of Lot A District Lot 191 Kootenay Land District Plan NEP6207 and District Lot 9552, 13566 (PID 014-154-960);

Lot C District Lot 191 Kootenay Land District Plan NEP2249 (PID 015-463-931);

Lot B District Lot 191 Kootenay Land District Plan NEP2249 (PID 015-463-681);

Lot A District Lot 191 Kootenay Land District Plan NEP2249 (PID 012-238-881);

Block 149 District Lot 9551 Kootenay Land District Parcel A (SEE 1585371) (PID 013-078-020);

Block 149 District Lot 9551 Kootenay Land District Exc. Parcel A (SEE 1585371) (PID 016-456-891);

Lot A District Lot 191 Kootenay Land District Plan NEP80931 (PID 026-664-089); and

Lot 1 District Lot 191 Kootenay Land District Plan NEP80324 and District Lot 9551 (PID 026-581-353)

Property Size: approx. 43.56 acres

Floodplain: Not Applicable

Zoning: Medium Industrial (M2)

OCP Designation: Industrial (M)

Development Permit: Industrial Development Permit (IDPA) under Electoral Area A Comprehensive Land Use Bylaw No. 2315, 2013

Site Summary/Background:

The subject properties are located to the north of Duck Lake Road and accessed from Winlaw Road to the south and Wigen Road along the western boundary of the property. The company has been working with Ministry of Transportation staff for several years to close that portion of Winlaw Road that transects the sawmill property and in the re-routing of industrial traffic. This has resulted in a future road closure and the future development of a cul-de-sac to serve residential properties in the area.

All of the properties used for Wynn Wood Operations are located outside of the Agricultural Land Reserve (ALR) and most have been associated with historic operations for many years. Canadian Forest Products recently acquired an additional four residential parcels that were successfully amended to the Medium Industrial zone in December 2016 following a Public Hearing held on November 22nd, 2016. Lands to the north and west are owned and operated by the saw mill, while lands to the south and farther east and west are used for agricultural and residential purposes. The saw mill is situated on a flat below the highway and is somewhat buffered by those portions of the Wynndel community above the highway. The recent zoning amendments provided opportunity for staff to revisit and revise a Development Permit that was issued to the company in 2003 and to address consolidation of many of the properties that were associated with that Development Permit.

Land uses adjacent to the subject property are as follows:

Orientation	Zoning	Land Use	In the ALR?
North	Railway	Railway and Highway	No
East	Country Residential	Residential	No
South	Agricultural 3	Agricultural	Yes
West	Medium Industrial	Wynn Wood Operations	No

Development Permit Area Guidelines (Industrial)

Development shall be in accordance with the following guidelines:

1. Any off-street parking area, exterior display area or loading area on a lot used for Industrial purposes shall:
 - a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any residential zone; such screening shall be planted or installed so that no person shall be able to see through it;

- b. be separated from any directly abutting lot in any residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
2. Where any lot is used for industrial purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
3. Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
4. The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the “British Columbia Landscape Standard” prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

Proposed Mitigation

Landscaping requirements were completed by Wynndel Box and Lumber at the time of the Development Permit process in 2003. It was observed that additional landscaping may be required along the eastern boundary of the subject properties adjacent to residential development. A twenty metre berm has been proposed to mitigate visual and dust impacts from the proposed development. The company may also need to consider more sufficient screening along Duck Lake Road. Wynn Wood operations are already well screened from the Highway corridor due to the rail line running between the property and a topographical rise to Highway 3A that runs to the north of the saw mill.

Additional considerations include the re-routing of industrial traffic and associated road closures to reduce noise and dust and development of a drainage plan for the operational area of the saw mill to address concerns expressed by adjacent property owners.



Referral Comments

This application was sent on a 30 day referral period in accordance with the RDCK Planning Procedures and Fees Bylaw No. 2457, 2015. The following responses were received:

Agency	Referral Comments	Planning Staff Response
Interior Health Authority received November 2 nd , 2016	Thank you for the opportunity to provide comment on this application. If I understand correctly, this is a Development Permit application associated with the Z1606A application for which we have already provided comment. A review of the submitted information has been completed and no concerns were identified from a healthy community planning perspective. As such, our office has no objection to the DP application.	No comment.
Adjacent Property Owner received October 13, 2016	The last rezoning had disastrous consequences for our street. I’m concerned about the increased dust and traffic pollution that will come with expansion. Presently, we get road/mill dust about 10 months a year. The mud and dust funnel through from the mill yard and on the tires of the logging and chip trucks. As early as February we get water from the mill yard running down the road causing more mud and dust. There is no ditching. The last rezoning rendered the public road through the mill practically unusable. The road dust mitigation was rarely, if ever carried out as laid out in the application. Our road is inadequate to handle the amount of heavy traffic that is generated now. It’s not wide enough and there have never been any speed restrictions. The new signage and reflectors are merely cosmetic. My wish list is the permanent closure of Winlaw Road through the mill and the heavy traffic rerouted. Possibly a cul-de-sac on Winlaw Road at the entrance of Mill Road. Also, some barriers (trees etc...) to reduce the noise, dust and light pollution.	These concerns were addressed by the applicant at the Public Hearing. Plans to close Winlaw Road and the development of a cul-de-sac will slow traffic and re-route industrial traffic accordingly.

<p>Adjacent Property Owner received November 1st, 2016</p>	<p>I spoke with you a couple weeks ago in regards to concerns regarding a development permit beside our home. You assured me I could respond via email to you within a few weeks and I have done so now. Please see said concerns below.</p> <p>Noise pollution beside our residence. Trucks at the lumber loading station on the north west section of the mill remain running at all hours causing unnecessary noise pollution. Along with the lumber trucks are other machinery; such as snow removing, that operate 30 feet from our house in the wee hours of the morning. We wish that at that location of the mill be serviced last or have an hours of operation that start later than 6 am.</p> <p>As the mill meets our property at all four corners we wish to know the exact GPS locations. One of which is likely in a paved road.</p> <p>Run off from mill is channeled into our property and is washing away our driveway and creating large ruts. We wish that run off from the mill be redirected properly. Mill traffic goes through our property using our west/east driveway that connects Wigen Road to the mill. The driveway is private property and it must stop as we have young children and animals who could be hurt by traffic.</p> <p>We are worried about log storage on the southern border of our property and its potential danger if logs roll onto Wigen Road or our bordering property.</p> <p>These are our concerns so far and in regards to the expansion and changes proposed to the saw mill. We are hopeful they will be addressed.</p>	<p>These concerns were addressed by the applicant at the Public Hearing.</p> <p>Industrial traffic is intended to be re-routed and a drainage plan will be developed to ensure further impact to adjacent properties is addressed accordingly.</p>
<p>Area A APC received October 13th, 2016</p>	<p>Our commission reviewed the development permit from 2004 that is attached as the only DP1608A for the zone change application of four lots under File Z1606A.</p> <p>The following are our concerns as they reflect the IDP guidelines, specifically #4 (landscaping), and #5e (light pollution). DPO304A-1194.000 issued in 2004</p> <p>Item 5.3 regarding comprehensive perimeter landscaping. Has this landscaping been completed to IDP guidelines and is there monitoring for completion?</p> <p>Item 5.10 Has the applicant adequately addressed mitigation of light pollution?</p> <p>Additionally:</p> <ol style="list-style-type: none"> 1. Is there landscaping to be installed to comply with M2 	<p>The current guidelines can not address lighting and only requires perimeter landscaping for property boundaries adjacent to residential development. This has been addressed in the Development Permit. All</p>

<p>guidelines adjacent R2 areas?</p> <p>2. As per our previous response to application File Z1606A; does the log sort pile height constitute a structure and thus restricted in height?</p> <p>3. Is the time frame for completion of this DP open ended? And is there monitoring for completion?</p>	<p>conditions are inspected prior to release of security deposits held by the RDCK as part of the process.</p> <p>The height of log sort areas is being restricted to 6.0 metres due to safety requirements.</p>
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Staff Analysis

The applicant has retained an agent to work on their behalf in the design and installation of works associated with the permit requirements. Section 502 of the *Local Government Act* enables the RDCK to require an applicant to provide securities for the purpose of ensuring the terms of the Development Permit are met. The amount must be stated in the permit, and the applicant may choose either to provide an irrevocable letter of credit or a deposit of securities in a form satisfactory to the local government. A requirement for security of \$72,000.00 is recommended for the purposes of fulfilling the obligations of the applicant to install a landscaped berm and additional perimeter plantings based on a quote received by the applicant as to the estimated costs of these works and an additional 20% to cover labour and staff time if conditions are not met.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

The \$500 fee for the Development Permit application has been received.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Local Government Act Section 490 and 491 provides that “An official community plan may designate development permit areas” in conjunction with development proposal and prior to the issuance of a building permit.

The DP application has been submitted in accordance with the requirements and guidelines found under the Industrial Development Permit Area under *Electoral Area A Comprehensive Land Use Bylaw No. 2315*.

This application was reviewed in accordance with the Planning Procedures and Fees Bylaw No. 2457, 2015. The bylaw delegates the authority for consideration of DPs to the General Manager of Development Services (GMDS).

c. Environmental Considerations:

The Development Permit provides detailed recommendations as to mitigation and compensation to address the potential impacts of the development proposal.

d. Social Considerations:

Expansion of the saw mill as planned will address concerns from adjacent property owners regarding industrial traffic and nuisance through the on-going road closures and improvements to the subject properties.

e. Economic Considerations:

Expansion of the saw mill as planned will result in additional employment opportunities for residents of the Creston area.

f. Communication Considerations:

Should the GMDS approve the permit, staff would proceed with subsequent procedures under the bylaw, including informing the applicant of the 14-day 'Appeal Period' and option to waive the appeal.

g. Staffing/Departmental Work plan Considerations:

Should the GMDS approve the permit; staff would issue the permit and register notice on title. Planning staff would follow up on the terms of the development permit and finalize approximately two years after the subdivision approval phase is completed.

SECTION 4: OPTIONS & PROS / CONS

Option 1: Approve the Development Permit as proposed.

Option 2: Deny the Development Permit as proposed.

Staff has not identified any authority for the GMDS to deny the proposed permit.

SECTION 5: RECOMMENDATION(S) TO THE GENERAL MANAGER OF DEVELOPMENT SERVICES

That the General Manager of Development Services APPROVE the issuance of Development Permit 4360-20-DP1608A-06025.000 for properties legally described as follows:

A portion of Lot A District Lot 191 Kootenay Land District Plan NEP6207 and District Lot 9552, 13566 (PID 014-154-960);

Lot C District Lot 191 Kootenay Land District Plan NEP2249 (PID 015-463-931);

Lot B District Lot 191 Kootenay Land District Plan NEP2249 (PID 015-463-681);

Lot A District Lot 191 Kootenay Land District Plan NEP2249 (PID 012-238-881);

Block 149 District Lot 9551 Kootenay Land District Parcel A (SEE 1585371) (PID 013-078-020);

Block 149 District Lot 9551 Kootenay Land District Exc. Parcel A (SEE 1585371) (PID 016-456-891);

Lot A District Lot 191 Kootenay Land District Plan NEP80931 (PID 026-664-089); and

Lot 1 District Lot 191 Kootenay Land District Plan NEP80324 and District Lot 9551 (PID 026-581-353)

And commonly referred to as Wynn Wood Operations owned and operated by Canadian Forest Products Ltd.

Respectfully submitted,

Signature:



Name:

Meeri Durand, Planning Manager

CONCURRENCE

Initials:

General Manager of Development Services

ATTACHMENTS:

Attachment A – DRAFT Development Permit DP1608A