

Have Your Say.

Notice of Public Hearing

Tuesday May 14, 2024 | 6:30 pm

Learn more.

Review the proposed zoning bylaw amendment from May 2, 2024 - May 14, 2024.

Online: rdck.ca/landuseapplications

In Person: RDCK Office, 202 Lakeside Drive, Nelson, BC
Mon - Fri: 8:30 am - 4:30 pm
(Closed for lunch 12:30 pm - 1:30 pm)

Tell us what you think.

Make a verbal submission at the public hearing or send a written submission (please quote RDCK File # Z2306I) before 4:00 pm on May 14, 2024.*

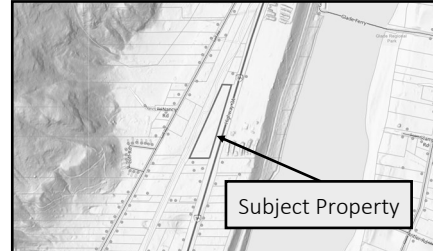
Attend a public hearing.

Online: Via Webex | Email zgiacomazzo@rdck.bc.ca for an emailed access invitation.

Phone: 1.604.449.3026 | Code: 2772 896 7397

In Person: Brilliant Cultural Centre - Main Floor
(1876 Brilliant Road, Castlegar, BC)

Visit rdck.ca/publichearings for further details.



From: Country Residential (R2I/CR2)

To: Commercial (C2 Site Specific/C)

Location and Legal Description:

2090 Highway 3A, Tarrys, Electoral Area 'I'
LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

Bylaw 2939 Being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 from Country Residential 'I' (R2I) to General Commercial (C2) Site Specific.

Bylaw 2940 Being a bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 from Country Residential '2' (CR2) to Commercial (C).

*All written submissions are public information pursuant to the Freedom of Information and Protection of Privacy Act.



rdck.ca/publichearings

Please direct enquiries to Zachari Giacomazzo | 250.352.8190
1.800.268.7325 | zgiacomazzo@rdck.bc.ca



Bylaw Amendment Application

Referral Form – RDCK File Z23061

Proposed Amendments to Official Community Plan Bylaw No. 1157 and

Zoning Bylaw No. 1675

Date: August 10, 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 SEPTEMBER 11, 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 lands are located on the west side of Highway 3A directly south of the Tarrys Fire Hall and west of the Kalesnikoff Mill. This 1.7 hectare portion of the 14.6 hectare subject property is presently vacant and densely forested with the exception of the northern portion of the site adjacent to Tarrys Fire Hall which is currently used as staff parking for employees that work at the mill.

The purpose of this application is to rezone the 1.7 ha portion of the subject property on the west side of Highway 3A from Country Residential 'I' (R2I) to Neighbourhood Commercial (C1) and to change the land use designation from Country Residential (CR2) to Commercial (C).

These changes are being requested in order to allow for the development of a purpose built office building and parking lot for employees and visitors of the Kalesnikoff Mill. A Development Permit application will be required to facilitate the proposed development and to ensure that the proposal is consistent with the Industrial-Commercial Development Permit Area Guidelines in the Official Community Plan and the associated zoning bylaw regulations.

LEGAL DESCRIPTION & GENERAL LOCATION:

2090 Highway 3A, Tarrys, Electoral Area 'I'

LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
1.7 ha (West side of Hwy 3A)	N/A	Country Residential 'I' (R2I)	Country Residential (CR2)

APPLICANT/AGENT:

Nelson Rocha, Studio 9 Architecture + Planning

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**

<input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION (West Kootenay)	<input type="checkbox"/> FIRST NATIONS
<input checked="" type="checkbox"/> HABITAT BRANCH	<input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS)

- 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, 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
- APHC AREA I
- RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK REGIONAL PARKS

- 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 (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)
 - SKEETCHESTN INDIAN BAND
 - TK'EMLUPS BAND

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: Z2306I

APPLICANT: Nelson Rocha, Studio 9 Architecture + Planning

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

Z2306I - 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

- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:8,000

Date: August 10, 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.

Z2306I - Zoning 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

Zoning Class

- Agriculture
- Commercial
- Industrial
- Institutional
- Open Space
- Residential 2
- Residential 5

Legend

- Flood Construction Levels - 1990
- Agriculture Land Reserve
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:8,000

Date: August 10, 2023



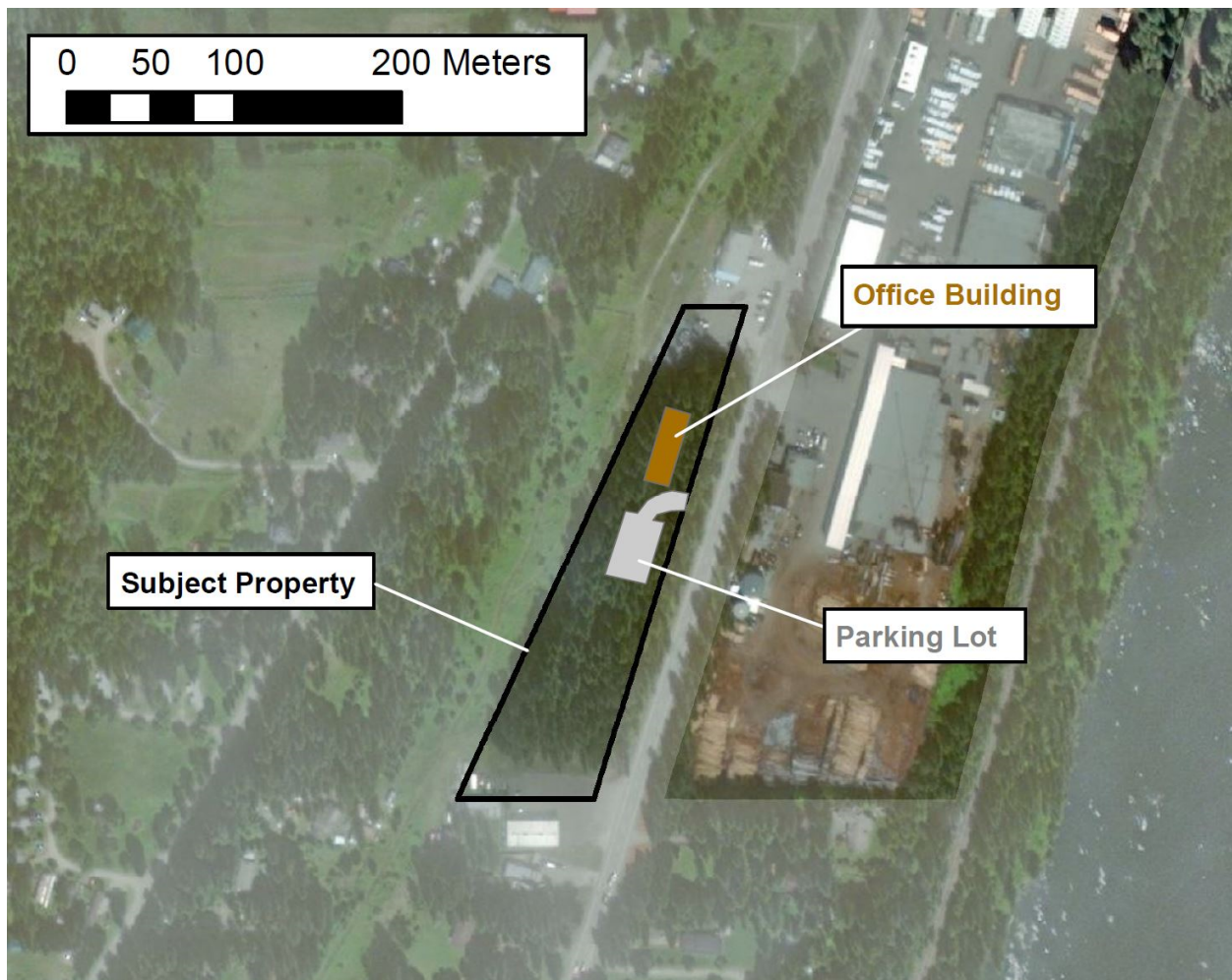
The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.



Kalesnikoff Seeks RDCK Approval for New Administrative Office for Local Employees:

Kalesnikoff will be applying to the Regional District of Central Kootenay for approval to construct a purpose-built new office space for approximately 25 administrative and operational employees who currently work in the aging office and modular trailers across the road. This application is a re-submission under a more restrictive zoning designation with the intention of ensuring that the neighbors concerns that the site will only be used for an office and not an expansion of the industrial operations.

The new office would be situated west of Hwy 3A, north of the existing parking lot, south of Tarrys Fire Hall and north of Russell Auction: across the street from the long-time mill site.



The new building and surrounding site will not house any operations or mechanical work, and would function solely as an office, meeting space and potential showroom for Kalesnikoff's new mass timber offerings and other products. Parking will be provided onsite for staff and a small number of visitors. The new building will be constructed using mass timber to showcase the use of this sustainable local wood product.

Construction will require the removal of some trees on the footprint area and future building perimeter. Trees and other foliage will be maintained around the site for aesthetic purposes. A treed buffer along the back (west side) of the property will be maintained to provide privacy to adjacent residents west of the site and will comply with all landscaping regulations in the Zoning Bylaw. In summary, these regulations include:

- Provision of privacy for outdoor and indoor spaces through use of plant screens, walls or fences;
- Separation of distinct areas allocated to different types of activities;
- Reduction of glare or illumination from automobile traffic, street lighting or other sources;
- Control of noise from streets or activity areas;
- Landscaped screening adjacent to residential zones will be planted or installed so that no person shall be able to see through it;
- Where any lot is used for commercial, industrial and institutional 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.
- 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.



Why our Team Needs a New Office:

This new space would accommodate about 25 local Kalesnikoff staff members who work in purchasing, human resources, finances and accounting, administration all under one roof in a purpose-built environment.

The existing 'ad hoc' workplace is comprised of an office built in the 1970's and three Atco-type trailers, and is not conducive to team collaboration, energy efficiency or optimal employee comfort.



Being a Good Neighbour:

The existing mill site has been generating local jobs directly for Kalesnikoff employees and indirectly for all of our various local suppliers for over 50 years and Kalesnikoff celebrated our 84th anniversary in 2023.

We are committed to not only supporting our employees and families, but the broader community as well. We were pleased to have an opportunity recently to support a family who recently moved to the region after being displaced by the war in Ukraine, to provide scholarships to employees' children, and lumber to the Kaslo Outdoor Recreation and Trails Society's new Yew Cabin as just a few examples.

We have also been very humbled to be able to support dozens of local families each holiday season through our “Hope for the Holidays” program. Each year, Kalesnikoff matches the generosity of our employees’ voluntary payroll deductions to provide toys, clothing, food and other gifts to local families in need. In recent years, this has typically provided about \$20,000 for employee volunteers to shop at local businesses in Nelson and Castlegar to make sure each registered child receives gifts from their individual Santa wish lists. Our team then wraps and delivers the boxes to an organizing local not-for-profit.

Kalesnikoff has also been working in collaboration with the Regional District of Central Kootenay and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development for some time now to reduce the wildfire risk to our local communities.

What We Do and Why it Matters:

Kalesnikoff is a family-owned local business with 290 local employees. We have a commitment to sourcing local goods and services and supporting local families and community initiatives.

We maximize the benefit of all of our locally sourced wood by reducing waste and optimizing value by creating high-quality wood products. This includes traditional graded lumber for framing and general construction and our newest successful initiative: mass timber.

Mass timber comprises high-quality finished wood that is laminated and/or glued to create custom-designed and crafted large, strong and stable panels used in sustainable wood buildings. These products, including cross-laminated timber and Glulam-laminated timber panels which have enormous potential to significantly reduce the carbon footprints of new buildings. In comparison to traditional building materials, sustainable wood products produce far less CO2 while absorbing and sequestering carbon from our atmosphere.

Mass timber, using local, high-quality wood has been featured in many new buildings including the Castlegar Childcare Centre here in Castlegar, and in Kalesnikoff’s own Welcome Center pictured below.



The proposed new office will also use Kalesnikoff's own mass timber products and so will have similar warm look and feel.

Next Steps:

Information and engagement with immediate neighbours – July 2023

Submit application to RDCK for review – July 2023

RDCK Public Meeting – estimated Sept 2023

Construction – estimated spring of 2024

For more information, please contact:

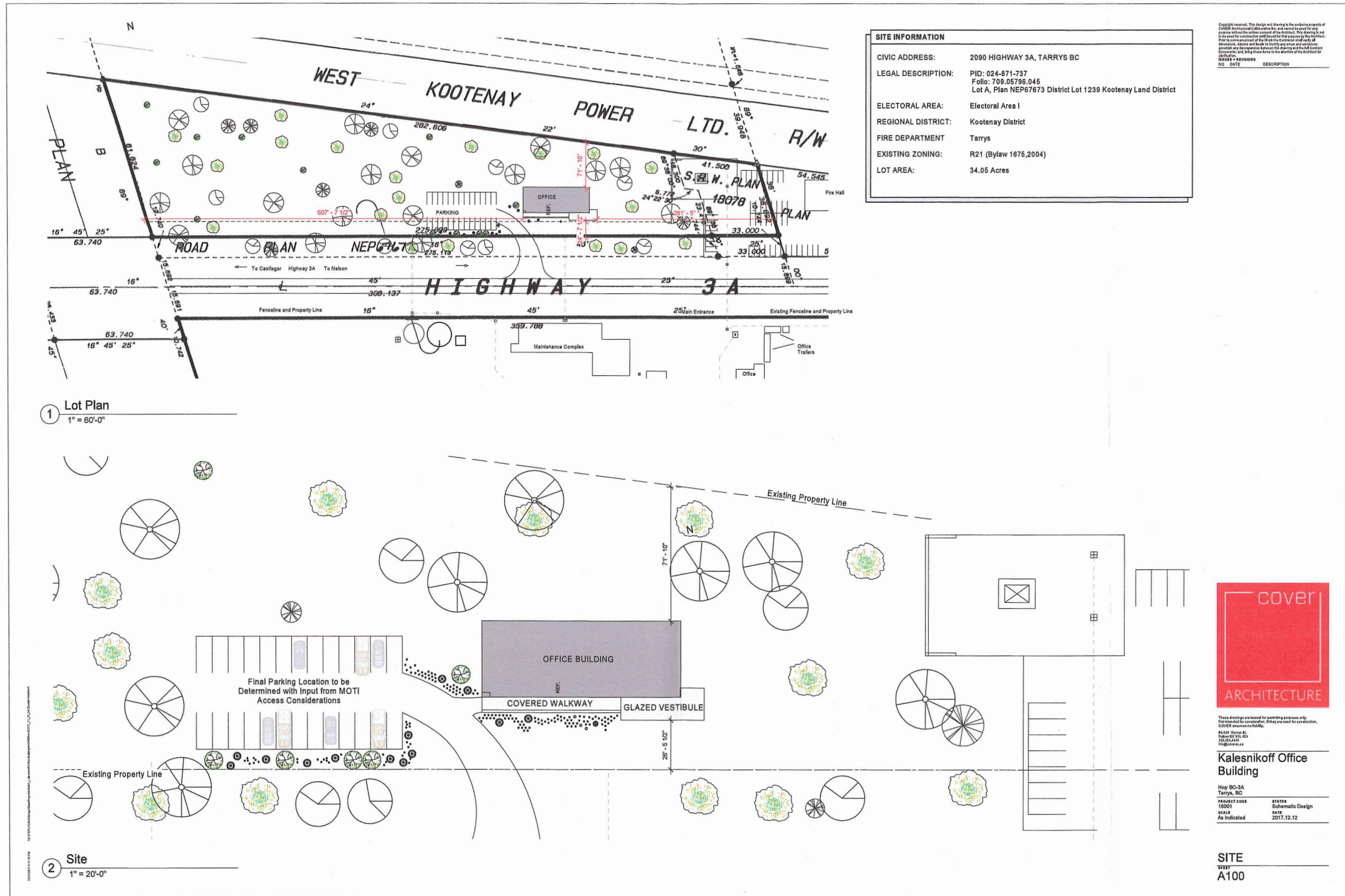
Dwane Sorenson

Vice President, Operations

referrals@kalesnikoff.com

250-399-4211, X253





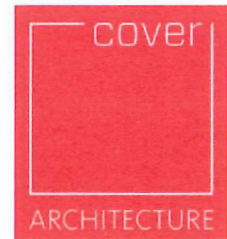
SITE INFORMATION	
CIVIC ADDRESS:	2090 HIGHWAY 3A, TARRYS BC
LEGAL DESCRIPTION:	PID: 024-871-737 Folio: 709.05796.045 Lot A, Plan NEP67673 District Lot 1239 Kootenay Land District
ELECTORAL AREA:	Electoral Area I
REGIONAL DISTRICT:	Kootenay District
FIRE DEPARTMENT:	Tarrys
EXISTING ZONING:	R21 (Bylaw 1675,2004)
LOT AREA:	34.05 Acres

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NO.	DATE	DESCRIPTION

1 Lot Plan
1" = 60'-0"

2 Site
1" = 20'-0"



These drawings are issued for permitting purposes only. Not intended for construction. If they are used for construction, COVER assumes no liability.

ARCHITECT
Kalesnikoff Office Building

Hwy BC-3A
Tarrys, BC

PROJECT CODE: 16001
SCALE: As Indicated

STATUS: Schematic Design
DATE: 2017.12.12

SITE
SHEET
A100

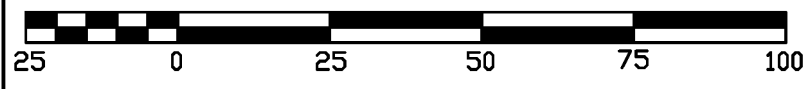
REFERENCE PLAN FOR CONSOLIDATION OF CLOSED ROAD IN DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47921 AND LOT A DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN NEP67673.

PLAN EPP47926

Pursuant to Section 100(1)(b) of the Land Title Act.

BCGS 82F.033

The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:1250.



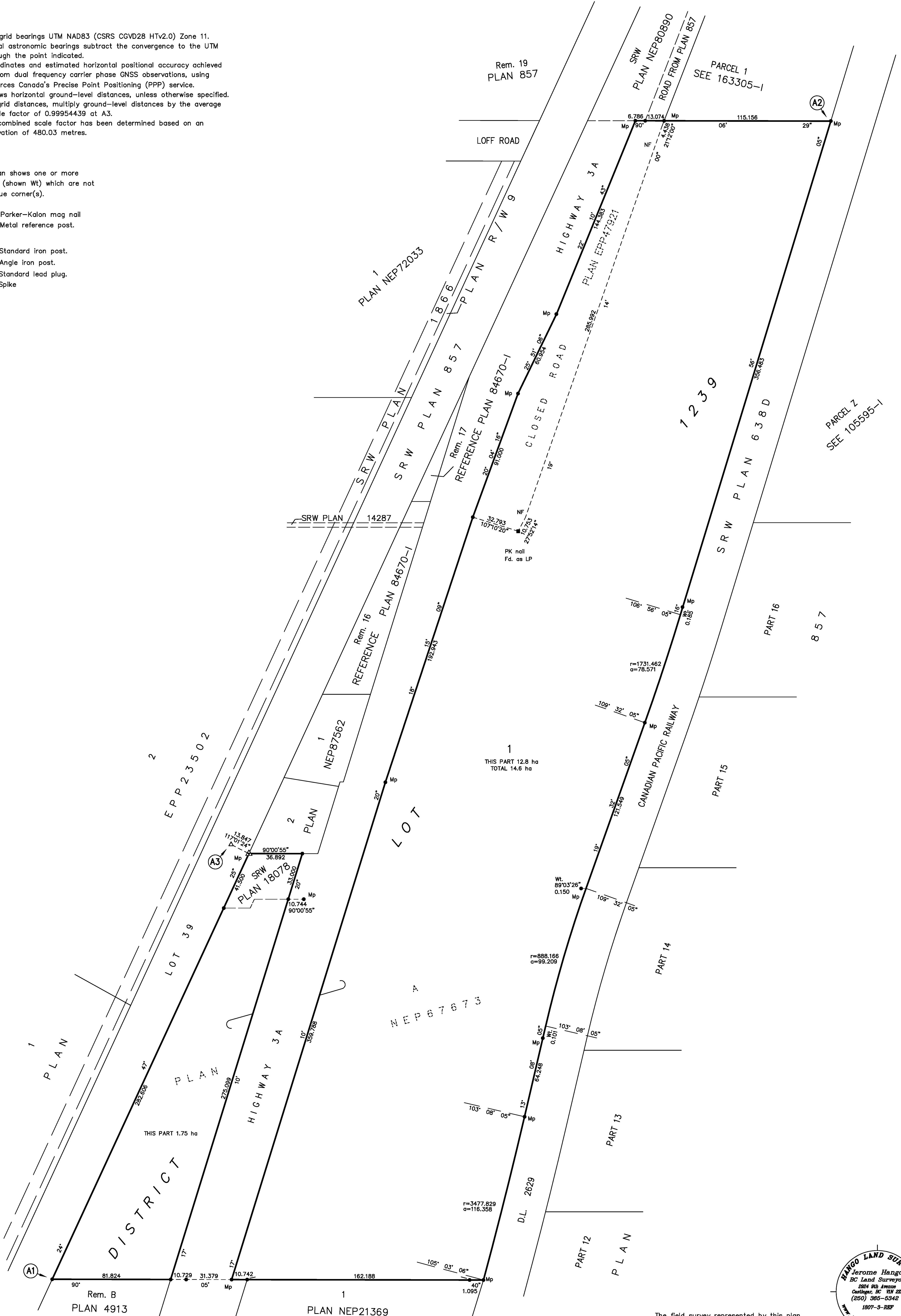
UTM NAD83 (CSRS) Zone 11	
Estimated horizontal network accuracy 0.050	
IP A1	N 5470985.059 E 459824.554
Convergence at IP A1 subtract 0'25'13"	
IP A2	N 5471785.247 E 460362.241
Vector A1 to A2 33'53'57" 964.059 (grid distance)	

LEGEND

Bearings are grid bearings UTM NAD83 (CSRS CGVD28 HTv2.0) Zone 11. To obtain local astronomic bearings subtract the convergence to the UTM meridian through the point indicated. The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency carrier phase GNSS observations, using Natural Resources Canada's Precise Point Positioning (PPP) service. This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined scale factor of 0.99954439 at A3. The average combined scale factor has been determined based on an ellipsoidal elevation of 480.03 metres.

Note: This plan shows one or more witness posts (shown Wt) which are not set on the true corner(s).

- PK Parker-Kalon mag nail
 - Mp Metal reference post.
- Found Set
- Standard iron post.
 - Standard iron post.
 - ▲ Angle iron post.
 - Standard lead plug.
 - △ Spike



This plan lies within the Regional District of Central Kootenay.

The field survey represented by this plan was completed on the 23rd day of January, 2015 Jerome P. Hango, BCLS 740.





RDCK Property Report

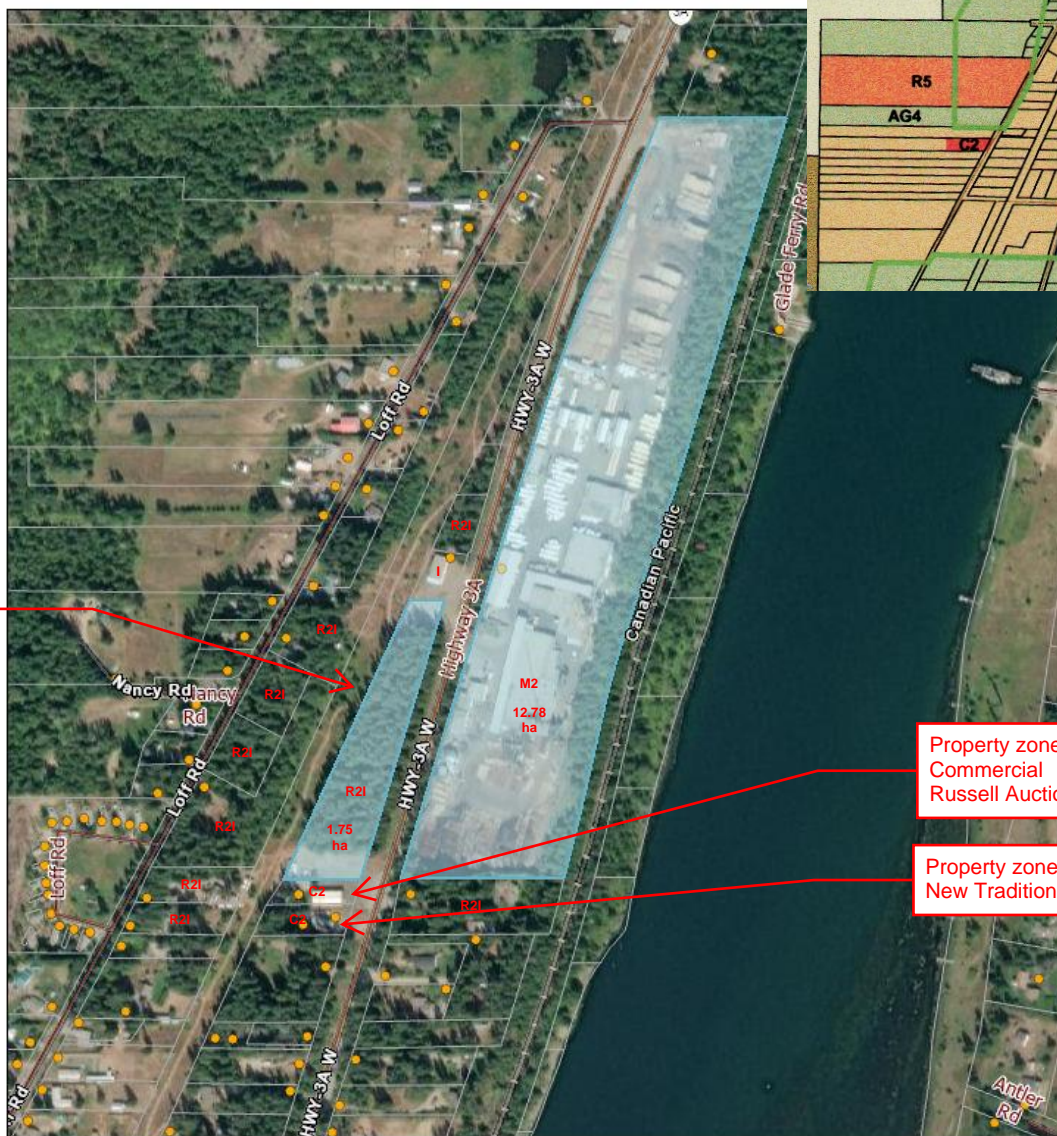
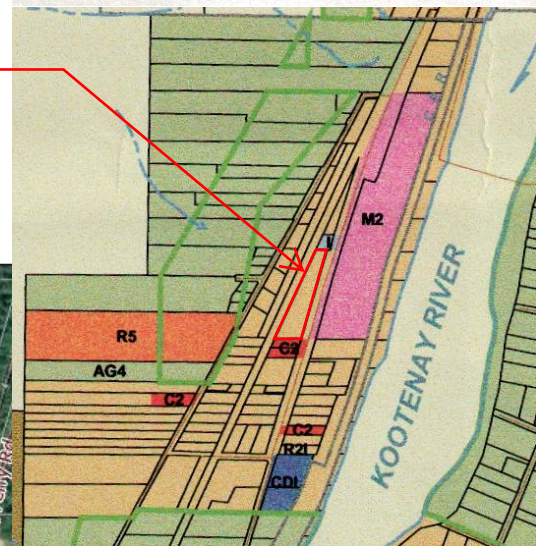
Area of Interest (AOI) Information

Area 14.53 hectares

May 29 2023 1 16: 3 Pacific Daylight Time

Property applying for rezoning

Schedule B - Zoning Map (I,J)

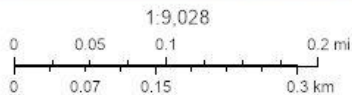


+/- 33 m right of way between subject property and neighbouring residential properties

Property zoned C2 - General Commercial
Russell Auction Building

Property zoned C2 - General Commercial
New Tradition Fine Furniture & Cabinets.

- Electoral Areas
- RDCK Streets
- Cadastre - Legal Parcels
- Address Points



Esri Community Maps Contributors, Esri Canada, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, US Census Bureau, USDA, NRCan, Parks Canada, Maxar

DIVISION 12

COUNTRY RESIDENTIAL I (R2I) (existing zoning)

Permitted Uses

1200 Land, buildings and structures in the Country Residential I (R2I) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Development Regulations

1201

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 Not more than one (1) one-family dwelling or one (1) two-family dwelling shall be located on a lot, except where the lot has a one-family dwelling; a manufactured home may be placed on the lot to provide temporary accommodation for immediate family of the occupant of the principal dwelling.
- 3 The minimum parcel size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 4 The maximum site coverage permitted shall be 50 percent of the lot area.
- 5 The keeping of farm animals shall comply with the requirements of section 613.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

DIVISION 32 NEIGHBOURHOOD COMMERCIAL (C1) (proposed zoning)

Permitted Uses

3200 Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:

- Cannabis Retail Stores
- Horticulture
- Farmer’s Market
- Mixed Use Developments
- Offices**
- Pubs
- Personal Service Establishments
- Recycling Depot
- Restaurants
- Retail Stores
- Service Stations
- Tourist Accommodation
- Accessory Uses:
 - Accessory Buildings and Structures
 - One Dwelling Unit.

Development Regulations

3201

1 The minimum site area for each permitted use shall be provided as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
Hotel, Motel, Lodge and Similar Uses	0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit	0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit	1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit
All Other Uses	0.4 hectare	0.4 hectare	1.0 hectare

For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The maximum commercial floor area within all buildings on a lot shall be 500 square metres.
- 4 Landscaping shall comply with the requirements of sections 621 and 622.



Committee Report

Date of Report: December 22, 2023
Date & Type of Meeting: January 17, 2024, Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z23061 – Kalesnikoff
Electoral Area/Municipality |

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and RDCK Board to consider an application for a zoning and land use bylaw amendment to permit a new Business Office and staff parking across the Highway from the sawmill operations at Kalesnikoff Lumber Company in Electoral Area '1'. The proposed amendments are as follows:

- **Zoning Designation:** From Country Residential I (R2I) to General Commercial (C2)
- **OCP Designation:** From Country Residential (RC2) to Commercial (C)

Staff recommend that Amendment Bylaw No. 2939, 2023 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 and Amendment Bylaw No. 2940, 2023 being a bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be given FIRST and SECOND reading by content and referred to a Public Hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Kalesnikoff Lumber Company Ltd.
Agent: Nelson Rocha, Studio 9 Architecture + Planning
Property Location: 2090 Highway 3A, Tarrys, Electoral Area '1'
Legal Description: LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)
Property Size: 14.5 hectares (36.1 acres)
Area of Property Affected: 1.7 hectares (4.2 acres) west of Highway 3A
Current Zoning: Country Residential I (R2I) & Medium Industrial (M2) in RDCK Zoning Bylaw No. 1675, 2004
Current Official Community Plan (OCP) Designation: Country Residential (CR2) & Industrial (I) in Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996
SURROUNDING LAND USE DESIGNATIONS
North: Country Residential (CR2)
East: Industrial (I)
South: Commercial (C)
West: Country Residential (CR2)

The subject property is located along Highway 3A, approximately 10 km north of the City of Castlegar in Electoral Area 'I'. It is a 'hooked' parcel (Figure 1), with Kalesnikoff Lumber Company currently operating on the ±12.5 hectare portion on the east side of Highway 3A. The western portion of the parcel is ±1.75 hectares and is mostly undeveloped and treed, with the exception of a Fortis Sub-station and parking for Kalesnikoff staff at the north end.



Figure 1 - Location Map

Only the western portion of the parcel (outlined in orange in Figure 1) would see further development as a result of the proposal. No further development to the existing sawmill operation on the east side of Highway 3A is being proposed as part of this application.

Background

The subject property is split zoned with the western portion being Country Residential 'I' (R2I) and the eastern portion being Medium Industrial (M2), as shown in Figure 2.

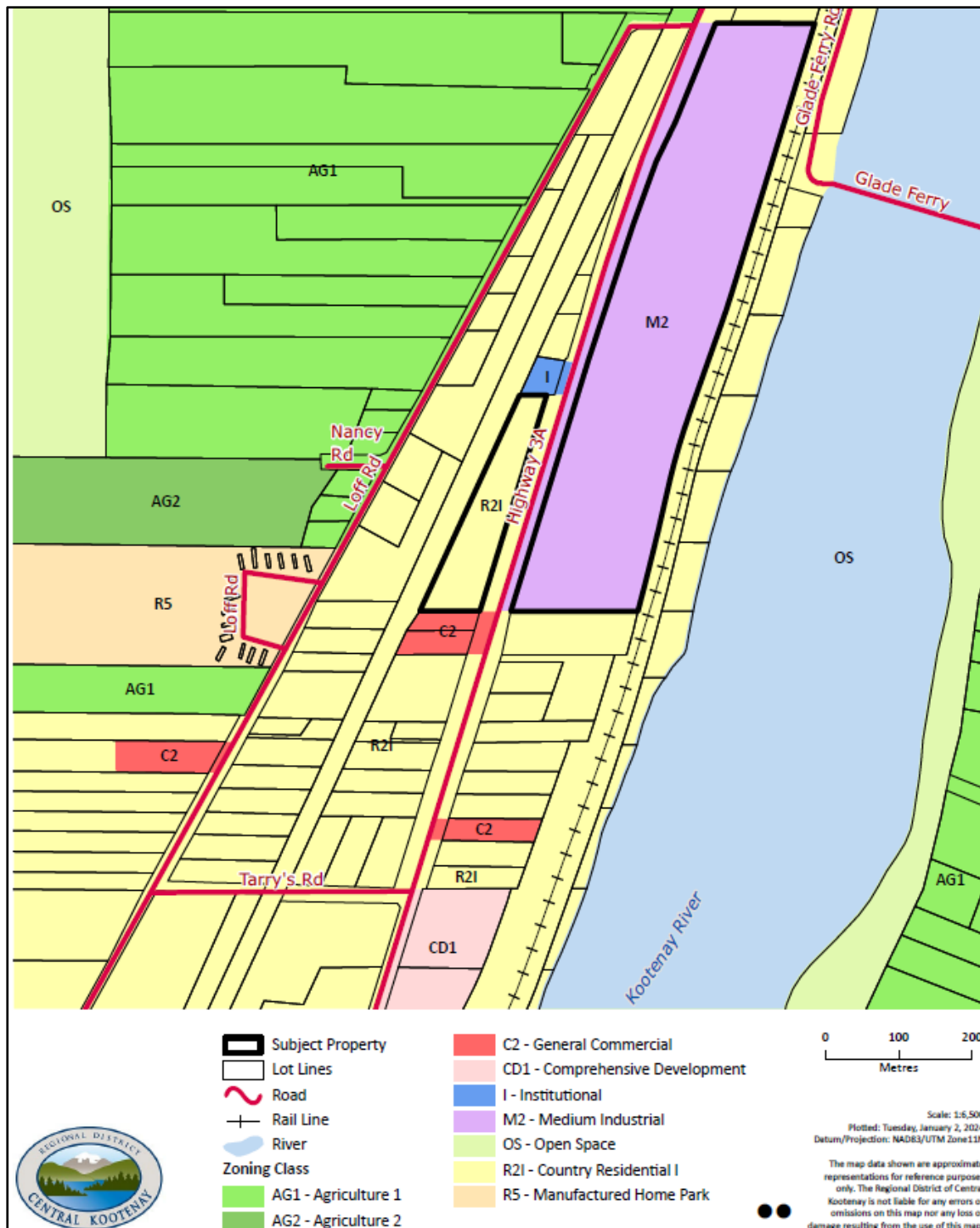


Figure 2 - Site Context and Zoning Map

The portion of the subject property under application is surrounded by the following uses:

- North: Institutional (Tarrys Fire Hall)
- South: Commercial (Russell Auction)
- East: Industrial (current Kalesnikoff Lumber Company operations – saw mill and offices)
- West: Country Residential I (±30 metre wide statutory right-of-way with homes on the other side)

Development Proposal

The applicant is proposing to develop a new office building and additional staff parking on the smaller, western portion of the parcel that is currently treed and hosts some staff parking.

A similar application (Z17071) was submitted in 2017 by the property owners to rezone the same portion of land from R2I to General Commercial (C2). In October 2018, the Board resolved that further consideration of the application would be withheld until a noise study and a more detailed landscape plan were provided by the applicant. This information was not provided to the RDCK. As a result, the application lapsed due to inactivity in December 2019.

The proposed structure will be two stories with a building footprint area of $\pm 4,000$ square feet. The site layout proposes the retention of existing trees to screen the development from adjacent properties and the highway (Figure 3). Further revisions to the development plan may result from community feedback and requirements under the subsequent Development Permit review process, should this rezoning application be approved.

The current application is largely the same as the previous one submitted in 2017, with the only difference being that the applicants are now proposing a site specific C2 zone that limits the permitted uses to:

- Offices
- Accessory Buildings and Structures
- One Dwelling Unit

The applicant has indicated that the intent of limiting the uses on the subject lands is to address neighbours' concerns from the previous application and further ensure that the site will only be used for an office and not an expansion of the industrial operations.

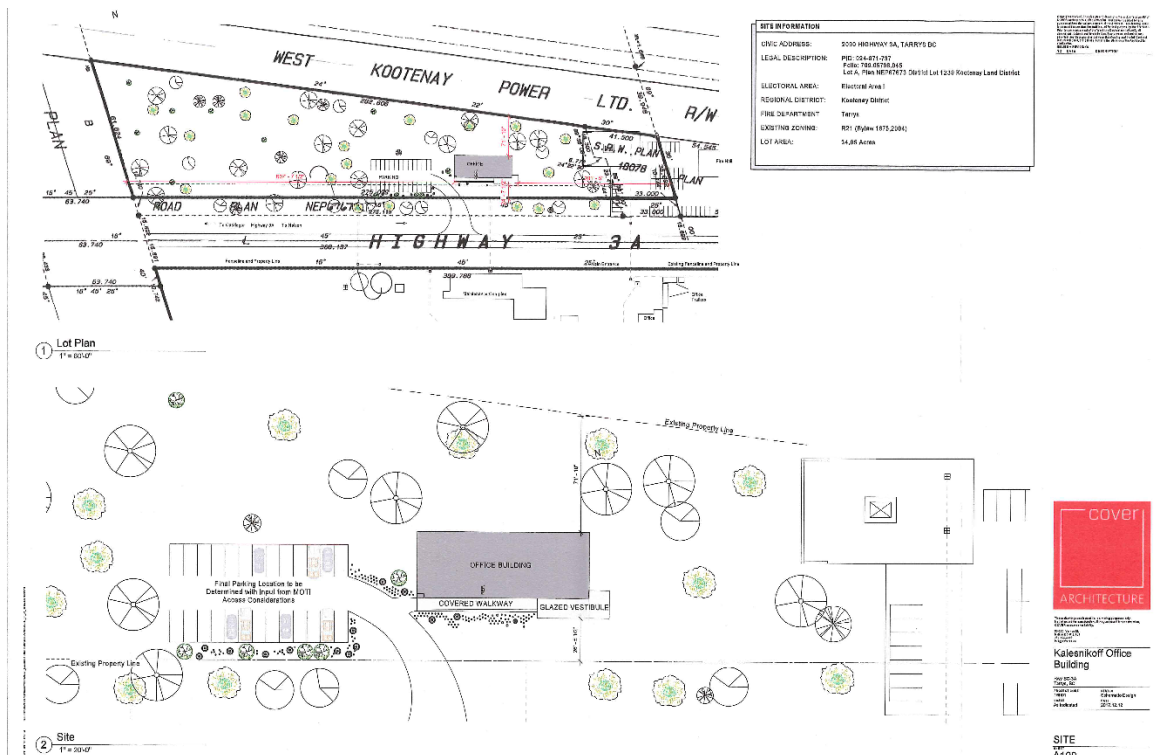


Figure 3 - Conceptual Site Plan

Planning Policy

Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

2.4 Commercial Objectives

- 2.4.1 To provide for commercial activities servicing the needs of local communities.
- 2.4.2 To minimize land use incompatibility between commercial activities and surrounding land uses.
- 2.4.3 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.
- 2.4.5 To protect the character and integrity of quiet residential and rural neighbourhoods.

3.5 Commercial Policies

- 3.5.1 To provide for commercial activities servicing the needs of local communities.
- 3.5.2 The minimum lot size shall be one (1) hectare unless serviced by a community water system whereby the minimum lot size shall be .5 hectares.
- 3.5.3 Existing commercial uses shall be recognized.
- 3.5.7 A Landscape buffer shall be required to be installed and maintained on commercial properties adjacent to all properties which have a non-commercial or non-industrial designation and shall be in place prior to commencement of operation.

The proposed change in land use designation would not have any impact on the current Country Residential 2 objectives and policies.

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 OCP, which is the case with this application. Further to that policy the consultation process includes the following requirements:

Consultation in the early stages of the plan development process will include initial contact to apprise persons of the nature of the proposed amendment, and the Board will consider any comments received prior to proceeding to any public hearing.

Further consultation prior to proceeding to any public hearing will include:

- i. Referral of the plan, as prepared for first reading, for comment to be received by the party consulted under 'Early and Ongoing Consultations with Persons', within 30 days;
- ii. Board consideration of every comment received in writing; and
- iii. A staff report to clarify issues that might arise during the consultation process, and delivery of such submissions with the staff report to the Board for Board consideration prior to any public hearing.

This consultation process should be construed as the minimum. Should the Board desire increased consultation, they may pass a resolution detailing additional desired consultation.

The consultation requirements detailed above have been satisfied. With reference to item ii above, the comments received are detailed in section **3.6 Communications Considerations** below. Note especially that there are two comments received from the public that are copied for convenience in that section of the report.

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 joint OCP/Zoning bylaw amendment 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.

3.3 Environmental Considerations

The proposed development will require the removal of trees from the subject property. The applicant has indicated that a “treed buffer” or planted hedges along the west side of the property will be maintained or added to provide privacy to adjacent residents. Should the rezoning application be approved, future development would be regulated by a subsequent Development Permit application and applicable zoning regulations for landscaping, parking, etc.

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 adjacent property owners within 200 metres of the subject property.

3.5 Economic Considerations:

Kalesnikoff Lumber Company is recognized as a significant employer within the area. The proposed 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*, a ‘Notice of Development’ sign was placed in a visible location on Highway 3A and adjacent property owner notification was sent to 53 properties within 200 metres of the subject property. Two (2) responses were received from neighbouring property owners that identified concerns related to noise and the compatibility of the proposed use with surrounding residential uses. Below are the comments received:

Email from Gord Perepolkin, dated October 23, 2023: “I OPPOSE this development application and any future applications in the future.”

Email from Nina Perepolkin, dated November 9, 2023: “Re rezoning application By Kalesnikoff s This is a residential community were a sawmill was plunked in to the community , against the RDCK recommendation at the time, Now its out growing its site, Noise is not health, Adding more noise not acceptable NO TO THE APPLICATION”

The application was sent to relevant government agencies and First Nations. The following responses were received from government agencies and First Nations:

Ktunaxa National Council – Guardianship Referrals Administrator – Lands & Resources

The Ktunaxa Nation Council has no concerns with this Bylaw Amendment.

Penticton Indian Band – Referrals Coordinator

A Cultural Heritage Resource Assessment (CHRA) is required prior to any site alteration or development activity.

Electoral Area ‘I’ Advisory Planning and Heritage Commission (APHC)

These comments are from the approved minutes of the November 27, 2023 meeting:

*That the Area I Advisory Planning Commission recommend that the Bylaw Amendment Application from Nelson Rocha, Studio 9 Architecture + Planning for the property located 2090 Highway 3A, Tarrys and legally described as LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 be **REFERRED** to a Public Hearing.*

Ministry of Transportation and Infrastructure – West Kootenay District Development Services Officer

The Ministry will require an access permit to Highway 3A for a commercial access. The Ministry's preference would be for the applicant to utilize existing access points as opposed to creating new ones.

The Ministry is aware there is a high volume of pedestrians crossing Highway 3A between the current employee parking lot and Kalesnikoff Mill. It would be advantageous if the applicant's plans included a way to reduce the amount of foot traffic crossing the road for safety purposes.

Ministry of Water, Land and Resource Stewardship

So long as the land has sufficient water licencing rights associated with it to support the purpose use and volume of water allocated, Water Stewardship, Ministry of Water, Land and Resource Stewardship has no additional concerns.

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:*

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

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.*

- *There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required.*

Operational & Design Comments

- *There are FortisBC Electric (“FBC(E)”) primary distribution and transmission facilities along the west side of the subject property and facilities within the boundary of the subject lot.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- ***To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.***

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- *Electrician’s Name and Phone number*
- [FortisBC Total Connected Load Form](#)
- *Other technical information relative to electrical servicing*

For more information, please refer to FBC(E)’s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

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:

N/A

SECTION 4: OPTIONS

PLANNING DISCUSSION

Staff consider that there is sufficient merit in the application to recommend that the proposed amendment bylaws be given first and second reading and referred to a public hearing, given that:

- The Area I Advisory Planning and Heritage Commission recommends the application go to a public hearing
- The proposal is largely consistent with the commercial objectives and policies of the Official Community Plan
- The proposed amendments restrict the commercial use of the property to only those for office space and employee parking, which are activities that serve the existing sawmill operation, and
- The proposed land use is not expected to cause conflict with adjacent land uses, particularly given the existing commercial and institutional uses adjacent to the site, and statutory right of way providing a buffer to adjacent residential uses to the west.

However, Staff also note the following concerns at this time:

- The safety issue that currently exists with employees crossing the highway from the current parking area on the western portion of the subject property remain whether this application is approved or not. Mitigation of this concern should be addressed by the applicant in consultation with MOTI
- Some residents in the area have expressed concern or outright opposition to this application, as noted in Section 3.6 Communications Concerns earlier in the report
- Development restrictions in the General Commercial (C2) zone include only a 50% site coverage restriction, building setbacks and landscaping requirements as noted in the general regulation section of that zoning bylaw. Restricting development onsite to that which is currently proposed with this application through regulation or a restrictive covenant may be desirable to mitigate concern from residents for future development of the site.
- Implementing measures to limit the development of the site (e.g. restrictive covenant or additional zoning regulations) could also facilitate the preservation of existing trees on the site in order to provide a more effective visual screen/buffer between the proposed commercial use and surrounding residential properties.

Option 1

1. That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 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.
2. That Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
3. That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'I' Director Andy Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 2

1. That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATIONS

1. That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2939, 2023 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.
2. That Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023 being a bylaw to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

3. That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'I' Director Andy Davidoff 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 **Digitally approved**

Manager of Development and Community Sustainability – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment A – Draft Amending Bylaw No. 2939, 2023

Attachment B – Draft Amending Bylaw No. 2940, 2023

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2939, 2023

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 'B' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of a portion of LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682) from Country Residential 'I' (R2I) to General Commercial (C2) Site Specific as shown on Schedule 'A' which is attached hereto and forms part of this bylaw:

A. Division 3300, General Commercial (C2) Permitted Uses by ADDING the following:

Site Specific – LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682)

- Land, buildings and structures in the General Commercial (C2) zoned portion of the above referenced property shall be used for the following purposes only:
o Offices
o Accessory Buildings and Structures
o One Dwelling Unit

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. 2939, 2023."

READ A FIRST TIME this 18th day of January, 2024.

READ A SECOND TIME this 18th day of January, 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

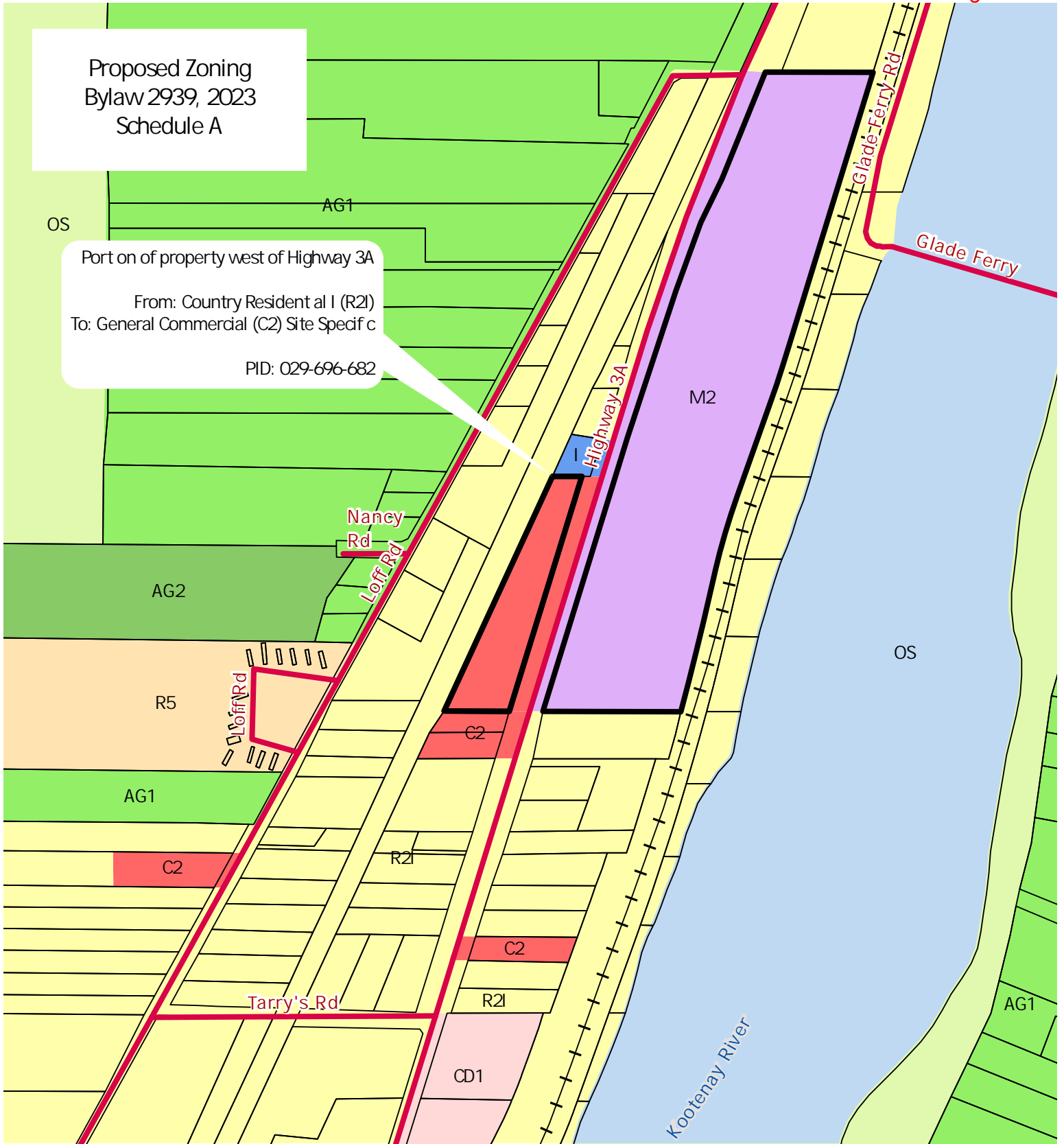
[Name of CO], Corporate Officer

Proposed Zoning
Bylaw 2939, 2023
Schedule A

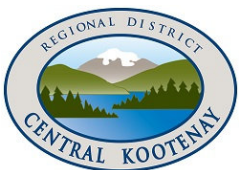
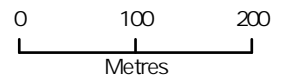
Port on of property west of Highway 3A

From: Country Resident al I (R2I)
To: General Commercial (C2) Site Specif c

PID: 029-696-682



- | | |
|---------------------|---------------------------------|
| Subject Property | C2 - General Commercial |
| Lot Lines | CD1 - Comprehensive Development |
| Road | I - Institutional |
| Rail Line | M2 - Medium Industrial |
| River | OS - Open Space |
| Zoning Class | R2I - Country Resident al I |
| AG1 - Agriculture 1 | R5 - Manufactured Home Park |
| AG2 - Agriculture 2 | |



Scale: 1:6,500
Plot ed: Monday, December 18, 2023
Datum/Project on: NAD83/UTM Zone11N

The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2940, 2023

A Bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

WHEREAS it is deemed expedient to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, 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 'B' of Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by changing the Land Use Designation of a portion of LOT 1 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN EPP47926 (PID: 029-696-682) from Country Residential '2' (CR2) to Commercial (C) as shown on Schedule 'A' which is attached hereto and forms part of this bylaw.
- 2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "**Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2940, 2023**".

READ A FIRST TIME this 18th day of January, 2024.

READ A SECOND TIME this 18th day of January, 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

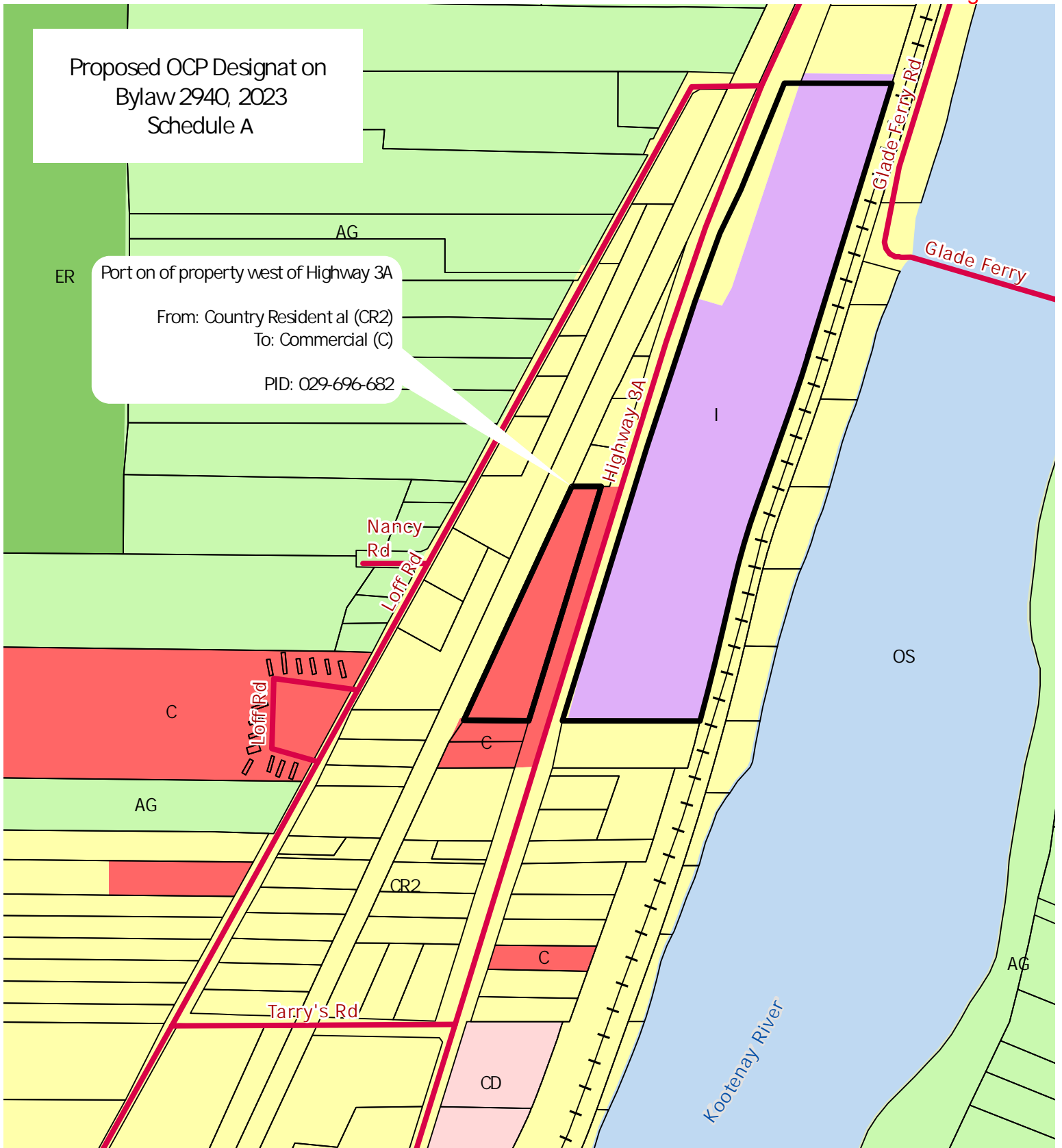
ADOPTED this [Date] day of [Month] , 20XX.

[Name of Board Chair], Board Chair

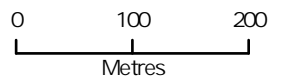
[Name of CO], Corporate Officer

Proposed OCP Designation
Bylaw 2940, 2023
Schedule A

Portion of property west of Highway 3A
From: Country Residential (CR2)
To: Commercial (C)
PID: 029-696-682



- | | |
|------------------|--------------------------------|
| Subject Property | C - Commercial |
| Lot Lines | CD - Comprehensive Development |
| Road | CR2 - Country Residential 2 |
| Rail Line | ER - Environmental Reserve |
| River | I - Industrial |
| OCP Designation | OS - Open Space |
| AG - Agriculture | |



Scale: 1:6,500
Plot ed: Monday, December 18, 2023
Datum/Project on: NAD83/UTM Zone11N

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